

(27)2163

रजिस्ट्री सं. डी. एल. (एन) 04/0007/2003-05

REGD. NO. D.L.(N) 04/0007/2003-05



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं. 41] नई दिल्ली, अक्टूबर 5-अक्टूबर 11, 2008, शनिवार/आश्विन 13-आश्विन 19, 1930

No. 41] NEW DELHI, OCTOBER 5-OCTOBER 11, 2008, SATURDAY/ASVINA 13-ASVINA 19, 1930

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 26 सितम्बर, 2008

का.आ. 2830.—सार्वजनिक परिसर (अनधिकृत अधिभोगी की बेदखली) अधिनियम 1971 (1971 का 40) की धारा-3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री के.सी. मीना, उप निदेशक, सहायक आसूचना ब्यूरो, शिलांग, सरकार के एक राजपत्रित अधिकारी को उक्त नियम के उद्देश्य के लिए दिनांक 1-3-2008 से सम्पदा अधिकारी नियुक्त करता है और निर्देश देता है कि उक्त अधिकारी प्रदत्त शक्तियों का प्रयोग करेंगे और उक्त अधिनियम के द्वारा अथवा उसके अन्तर्गत सहायक आसूचना ब्यूरो शिलांग के नियंत्रण में आने वाले समस्त सरकारी रिहायशों के संबंध में सम्पदा अधिकारी को अधिरोपित कर्तव्य का निर्वहन करेंगे।

[सं. 1/सी-11/83 (शिलांग)-I/पीएफ-II]

एच. के. सुआन्थंग, अवर सचिव

MINISTRY OF HOME AFFAIRS
New Delhi, the 26th September, 2008

S.O. 2830—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of un-authorized

occupants) Act, 1971 (40 of 1971), the Central Government hereby appoint Shri K. C. Meena, Deputy Director, Subsidiary Intelligence Bureau, Shillong a Gazetted Officer of the Government of India to be Estate Officer w.e.f. 1-3-2008 for the purpose of the said Act and directs that the said officer shall exercise the powers conferred and perform the duties, imposed on the Estate Officer by or under the said Act in respect of all Government land and building under the control of SIB Shillong.

[No. 1/C-11/83(SHG)-I/P.F.-II]

H. K. SUANTHANG, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 26 सितम्बर, 2008

का.आ. 2831—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क बोर्ड के निम्नलिखित कार्यालय को जिनके 80

प्रतिशत कर्मचारी वृंद ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

केन्द्रीय उत्पाद, सीमा शुल्क एवं सेवा कर आयुक्तालय

सुरत-1

गांधी बाग के सामने, चौक बाजार

सुरत-395001

[फा. सं. 11012/1/2008-हिन्दी-2]

मधु शर्मा, निदेशक (ग.भा.)

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 26th September, 2008

S.O. 2831— In pursuance of Sub Rule 4 of rule 10 of the Official Language (use of Official purpose of the union) Rules, 1976 the Central Government hereby notifies the following office under the Central Board of Excise & Customs, Department of Revenue, the 80% staff where of have acquired the working knowledge of Hindi:—

Commissionerate of Central Excise, Customs & Service Tax, Surat-1, Opposite Gandhi Bagh,

Chowk Bazar,

Surat-395001.

[F.No. 11012/1/2008-Hindi-2]

MADHU SHARMA, Director (OL)

कार्यालय मुख्य आयकर आयुक्त, जयपुर

शुद्धि-पत्र

जयपुर, 1 अक्टूबर, 2008

का.आ. 2832— आयकर नियम, 1962 के नियम 2 सोए के साथ पठनीय आयकर अधिनियम, 1961 की धारा 10 के खण्ड (23 सी) के उपखण्ड (via) की तहत अधिसूचना सं. 05/2007-08 दिनांक 24-10-07 के द्वारा "भगवान महावीर कैंसर हॉस्पिटल एण्ड रिसर्च सेंटर, जयपुर" को स्वीकृति दी गई थी। अधिसूचना के पैरा 1 की लाइन 4 में निर्धारण वर्ष 2006-07 के स्थान पर "निर्धारण वर्ष 2006-07 एवं आगे के लिए" पढ़ा जावे।

[क्रमांक: मुआआ.अआआ/

(मु.अ.जय)10(23सी)(via)08-09/2439]

जी. एस. बिरला, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX

CORRIGENDUM

Jaipur, the 1st October, 2008

S.O. 2832— In Notification No. 05/2007-08 dated 24-10-2007 vide which "Bhagwan Mahaveer Cancer Hospital and Research Centre, Jaipur" was approved for the purpose of sub-clause (via) of clause (23C) of Section 10 of

the Income-tax Act, 1961 (43 of 1961) read with rule 2CA of the Income-tax Rules, 1962, the assessment years in Para 1, line 5 may be read as "2006-07 and onwards" instead of A.Y. 2006-07.

[No. C. IT/1PR/Addl.CIT (Hqrs.)/10 (23C)

(Via)2008-09/2439]

B. S. DHILLON, Chief Commissioner of Income-tax

(वित्तिय सेवाएं विभाग)

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2833 भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, पत्रद्वारा, श्री अशोक चावला, सचिव, आर्थिक कार्य विभाग, वित्त मंत्रालय, नई दिल्ली को तत्काल प्रभाव से तथा अगला आदेश होने तक, डॉ. पी. मुन्नाराय के स्थान पर, भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड में निदेशक की रूप में नामित करती है।

[फा. सं. 97/2007-बीओ-1]

जी. बी. सिंह, उप सचिव

(Department of Financial Services)

New Delhi, the 1st October, 2008

S.O. 2833— In exercise of the powers conferred by clause (d) of sub-section (1) of Section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government, hereby nominates Shri Ashok Chawla, Secretary, Department of Economic Affairs Ministry of Finance to be a Director on the Central Board of Directors of Reserve Bank of India with immediate effect and until further orders vice Dr. D. Subbarao

[F.No. 97/2007-BO-1]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2834— भारतीय विनियमन अधिनियम, 1949 (1949 का 10) की धारा 83 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, पत्रद्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 10 की उपधारा (1) के खण्ड (ग) के उपखण्ड (अ) के उपबंध इंडियन बैंक पर लागू नहीं होंगे, जहां तक उनका संबंध इंडियन बैंक के अध्यक्ष एवं प्रबंध निदेशक श्री एम. एस. मुन्नाराय का भारतीय बैंकिंग तथा वित्त संस्थान की शसी परिपक्वता पर परीक्षण करने से है।

[फा.सं. 20/17/2006-बीओ-1]

जी. बी. सिंह, उप सचिव

New Delhi, the 6th October 2008

S.O. 2834— In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Government of India on the recommendation of the Reserve Bank of India, hereby declare that the provisions of sub-clause (i) of clause (a) of sub-section (1) of Section 10 of the said Act shall not apply to Indian Bank in so far as it relates to taking up membership of

Shri M. S. Sundrarajan, Chairman & Managing Director,
Indian Bank on the governing council of the Indian Institute
of Banking & Finance.

[F.No. 20/17/2006-BO-I]
G. B. SINGH, Dy. Secy.

(आर्थिक कार्य विभाग)

नई दिल्ली, 6 अक्टूबर, 2008

का.आ. 2835—नियंत्रक प्राधिकारी, भारतीय आर्थिक सेवा
नियम, 2008 के नियम 4 के उपनियम (2) द्वारा प्रदत्त शक्तियों का
प्रयोग करते हुए, भारतीय आर्थिक सेवा बोर्ड के गठन को अधिसूचित
करता है अर्थात्:—

- | | |
|--|-------------|
| 1. मैनिजमेंटल सचिव | —अध्यक्ष |
| 2. सचिव, आर्थिक कार्य विभाग | —सदस्य |
| 3. सचिव, व्यय विभाग | —सदस्य |
| 4. सचिव, योजना विभाग | —सदस्य |
| 5. सचिव, वाणिज्य विभाग | —सदस्य |
| 6. सचिव, कृषि और सहकारिता विभाग | —सदस्य |
| 7. सचिव, कार्मिक और प्रशिक्षण विभाग | —सदस्य |
| 8. मुख्य आर्थिक सलाहकार, आर्थिक कार्य विभाग | —सदस्य |
| 9. ज्येष्ठ आर्थिक सलाहकार (भारतीय आर्थिक सेवा)/ सलाहकार
(भारतीय आर्थिक सेवा)/संयुक्त सचिव (भारतीय
आर्थिक सेवा), आर्थिक कार्य विभाग | —सदस्य-सचिव |

[फा.सं. 11015/3/2007-आईईएस]

राजन कुमार, निदेशक

(Department of Economic Affairs)

New Delhi, the 6th October, 2008

S.O. 2835—In exercise of the powers conferred by
sub-rule (2) of rule 4 of the Indian Economic Service Rules,
2008, the Controlling Authority hereby notifies the
composition of the Indian Economic Service Board,
namely:—

- | | |
|--|--------------|
| 1. Cabinet Secretary | —Chairperson |
| 2. Secretary, Department of Economic
Affairs | —Member |
| 3. Secretary, Department of Expenditure | —Member |
| 4. Secretary, Planning Commission | —Member |
| 5. Secretary, Department of Commerce | —Member |
| 6. Secretary, Department of Agriculture and
Cooperation | —Member |
| 7. Secretary, Department of Personnel and
Training | —Member |
| 8. Chief Economic Adviser, Department
of Economic Affairs | —Member |

9. Senior Economic Adviser (Indian
Economic Service)/Adviser (Indian
Economic Service)/Joint Secretary
(Indian Economic Service),
Department of Economic Affairs. —Member-Secy.

[F.No. 11015/3/2007-IES]

RAJANKUMAR, Director

नई दिल्ली, 10 अक्टूबर, 2008

का.आ. 2836—केन्द्रीय सरकार, भारतीय जीवन बीमा निगम
श्रेणी 3 और श्रेणी 4 कर्मचारी (सेवा के निर्बंधन और शर्तों का
संशोधन) नियमावली, 1985 के नियम 13 के उप नियम (2) द्वारा
प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्धारित करती है कि श्रेणी 3
और श्रेणी 4 के प्रत्येक कर्मचारी को 1 अप्रैल, 2007 को आरंभ होने
वाली और 31 मार्च, 2008 को समाप्त होने वाली अवधि के लिए
बोनस के बदले में भुगतान, उक्त उप नियम में अन्य उपबन्धों के अध
िन रखते हुए उसके वेतन के 15 प्रतिशत की दर पर किया जाएगा।

[फा.सं. 2(15)96/बीपी-III],

श्रीमती सुरिन्दर कौर, अवर सचिव

New Delhi, the 10th October, 2008

S.O. 2836—In exercise of the powers conferred by
sub-rule (2) of rule 13 of the Life Insurance Corporation of
India Class III and Class IV Employees (Revision of Terms
and conditions of service) Rules, 1985, the Central
Government hereby determine that, subject to the other
provisions of the said sub-rule, the payment in lieu of bonus
for the period commencing on 1st day of April, 2007 and
ending with 31st March, 2008 to every Class III and Class
IV employee shall be at the rate of 15 percent of his/her
salary.

[F. No. 2(15)96/Ins. III]

MS. SURINDER KAUR, Under Secy.

विदेश विभाग

(सीवीडी विभाग)

नई दिल्ली, 26 सितम्बर, 2008

का.आ. 2837—राजनयिक कॉमिन्ली अधिकारी (रापथ एवं
शुल्क) अधिनियम 1948 (1948 का 41वां) के खंड 2 के अंक (ii)
के अनुसरण में केन्द्रीय सरकार यहाँद्वारा भारत का राजदूतवास,
मस्कात में श्री सुयॉ एमि. महायक को 26-9-2008 से सहायक
कॉन्सुली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[सं. टी-4330/1/2006]

प्रीतम साहू, अवर सचिव (कॉन्सुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV Division)

New Delhi, the 26th September, 2008

S.O. 2837—In pursuance of the clause (ii) of the
Section 2 of the Diplomatic and Consular Officers (Oaths

and fees) Act, 1948, the Central Government hereby authorize Shri Surya Mani, Assistant to perform the duties of Assistant Consular Officer in the Embassy of India, Muscat.

[No. T. 4330/1/2006]

PRITAM LAL Under Secy (Consular)

मानव संसाधन विकास मंत्रालय

(उच्चतर शिक्षा विभाग)

नई दिल्ली, 6 अक्टूबर, 2008

का.आ. 2838—केंद्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम 4 के अनुसरण में एतद्वारा मानव संसाधन विकास मंत्रालय के अधीन निम्नलिखित कार्यालयों को, जिनको 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. भारतीय प्रबन्ध संस्थान, प्रबंध शिक्षार, राऊ-पिथम्पूर रोड, इंदौर-453331 (म.प्र.), भारत
2. जवाहर नवोदय विद्यालय, वलसर्पल्ल-517325, मदनपर्ल्ल, चित्तूर जिला, (आंध्र प्रदेश)।

[सं. 11011-7/2005-रा.भा.ए.]

अनिल मदनगार जैन, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Higher Education)

New Delhi, the 6th October, 2008

S.O. 2838—In pursuance of sub-rule (4) of rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the Ministry of Human Resource Development, whose more than 80 per cent of the staff have acquired working knowledge of Hindi :—

1. Indian Institute of Management Indore, Pribandh Shikhar, Rau-Pithampur Road, Indore-453331 (M.P.), India.
2. Jawahar Navodaya Vidyalaya, Valasapalle-517325, Madanapalle (Post) Chittoor Distt. (A.P.)

[No. 11011-7/2005-O.L.U.]

ANITA BHAINAGAR JAIN, Jt. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(दंत शिक्षा अनुभाग)

नई दिल्ली, 25 सितम्बर, 2008

का.आ. 2839—केंद्रीय सरकार दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के अंतर्गत प्रदत्त शक्तियों का

प्रयोग करते हुए स्वास्थ्य एवं परिवार कल्याण मंत्रालय, भारत सरकार को दिनांक 24 जनवरी, 1984 की अधिसूचना सं. का.आ. 430 में एतद्वारा निम्नलिखित संशोधन करती है; अर्थात् :—

उक्त अधिसूचना में शीर्षक "धारा-3 के परन्तुक के साथ पठित खंड (क) के अंतर्गत 'निर्योचित' के अंतर्गत क्रम सं. 11 जोड़ी जाएगी और उसमें निम्नलिखित प्रविष्टियाँ रखी जाएंगी, अर्थात् :—

"11. डॉ. कृष्णा नंद दुबे निर्योचित हरियाणा दंत 25-9-2008"
सुपुत्र श्री राम अभिलाष चिकित्सा
दुबे मकान नं. 178, परिषद
सेक्टर 14,
रोहतक-124001

[का. सं. वी. 12013/1/2007-डोई]

राज सिंह, अबर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Dental Education Section)

New Delhi, the 25th September, 2008

S.O. 2839—In exercise of the powers conferred under Section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Welfare No. S.O. 430 dated 24th January, 1984 namely :—

In the said notification under head "Elected under clause (a) read with proviso to Section 3" serial No. 11 may be added and following entries may be inserted therein, namely :—

"11. Dr. Krishna Nand Elected Haryana 25-9-2008"
Dubey S/o Shri Ram Dental
Abhilash Dubey Council
H. No. 178, Sector 14,
Rohtak-124001

[F.No.V 12013/1/2007-DE]

RAJ SINGH, Under Secy.

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2840—एम. टी. ग्राउंड यूनिवर्सिटी, राडें, आइर्लैंड, यू.एस.ए. द्वारा प्रदत्त डॉक्टर ऑफ मेडिसिन की चिकित्सीय अर्हता भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए उक्त अधिनियम की धारा 14 के अंतर्गत मान्यताप्राप्त चिकित्सा अर्हता है;

ग्राउंड यूनिवर्सिटी स्कूल ऑफ मेडिसिन, राडें, आइर्लैंड, यू.एस.ए. द्वारा प्रदत्त डॉक्टर ऑफ मेडिसिन की चिकित्सीय अर्हता भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए मान्यताप्राप्त चिकित्सा अर्हता है;

और उक्त अर्हता धारण करने वाले डॉ. रुद्राणी बानिक, अमरीकी राष्ट्रिक, प्रशिक्षण के प्रयोजनार्थ और न कि निजी लाभ के लिए श्राफ आई हास्पिटल, मुंबई से संलग्न हैं।

अतः अब उक्त अधिनियम की धारा 14 की उप-धारा (1) के खंड (ग) के अनुसरण में केन्द्रीय सरकार एतद्वारा विनिर्दिष्ट करती है कि भारत में डॉ. रुद्राणी बानिक के चिकित्सा व्यवसाय की अवधि :-

(क) जून, 2008 से एक वर्ष की अवधि तक; अथवा

(ख) ऐसी अवधि तक जिसके दौरान डॉ. रुद्राणी बानिक श्राफ आई हास्पिटल मुंबई से संलग्न हैं, जो भी लघुतर हो, परिसीमित होगी।

[सं. बी. 11016/1/2008-एनई (नैलि-1)(XIII) भाग]
के. वी. एस. राव, उप सचिव

(Department of Health and Family Welfare)

New Delhi, the 1st October, 2008

S.O. 2840- Whereas medical qualification Doctor of Medicine granted by MD Brown University, Rhode Island, USA is recognized medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act ;

Whereas medical qualification Doctor of Medicine granted by Brown University School of Medicine, Rhode Island, USA is a recognized medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956).

And whereas Dr. Rudrani Banik, USA National, who possess the said qualification is attached to Shroff Eye Hospital, Mumbai for the purpose of training and not for personal gain;

Now, therefore, in pursuance of clause (c) of the sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Rudrani Banik in India shall be limited to :-

(a) a period of One year i.e. from June, 2008 onwards, ; or

(b) the period during which Dr. Rudrani Banik is attached to Shroff Eye Hospital, Mumbai whichever is shorter.

[No. V.11016/1/2008-ME(Policy-I)(XIII) Pt.]

K.V.S. RAO, Dy. Secy.

भारी उद्योग और लोक उद्यम मंत्रालय

(भारी उद्योग विभाग)

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2841.-सार्वजनिक परिसर (अधिकृत दखलीकार की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा

प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा नीचे दी गई सारणी के कॉलम 1 में उल्लिखित अधिकारी को, जो सरकार के राजपत्रित अधिकारी की श्रेणी के समकक्ष है, उक्त अधिनियम के उद्देश्यों के लिए सम्पदा अधिकारी नियुक्त करती है, जो प्रदत्त शक्तियों का प्रयोग करेगा और उक्त सारणी के कॉलम 2 में विनिर्दिष्ट सार्वजनिक परिसरों के लिए अपने क्षेत्राधिकार की सम्पदा से संबंधित निर्धारित कार्य करेगा।

सारणी

अधिकारी का पदनाम	सार्वजनिक परिसरों की श्रेणी और क्षेत्राधिकार का स्थानीय सीमा
(1)	(2)
प्रशासनिक अधिकारी (टाउनशिप), स्टॉफ नं. 5597, रूपनरायणपुर इकाई, हिन्दुस्तान केबल्स लि., कोलकाता	हिन्दुस्तान केबल्स लि., रूपनरायणपुर इकाई टाउनशिप और एचसीएल, क्षेत्रीय कार्यालय, कोलकाता से संबंधित परिसर।

[सं. 1(12)/2008-पीई-II]

एम. आर. बाली, अवर सचिव

MINISTRY OF HEAVY INDUSTRY AND PUBLIC ENTERPRISES

(Department of Heavy Industry)

New Delhi, the 1st October, 2008

S.O. 2841.- In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column 1 of the Table below, being officer, equivalent to the rank of Gazetted Officer of Government, to be an Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estates of his jurisdiction in respect of the public premises specified in column 2 of the said Table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Administrative Officer (Township), Staff No 5597, Rupnarainpur Unit, Hindustan Cables Ltd., Kolkata.	Premises belonging to the undertaking of Hindustan Cables Ltd., Rupnarainpur Unit Township as well as premises of HCL, Regional Office, Kolkata.

[No. 1(12)/2008-PE-II]

M.R. BALI, Under Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 29 सितम्बर, 2008

क्र.आ. 2842. -- भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के नियम (4) के उप नियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेन्सों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिये गए हैं :-

अनुसूची

क्रम सं.	लाइसेंस सं.	चालू तिथि	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक व संबंधित भारतीय मानक
(1)	(2)	(3)	(4)	(5)
जुलाई 2008				
01.	8944302	27-06-2008	मैसर्स जयपुर पोलिमेर्स इण्डस्ट्रीज 19, कलासपुर बाईस गोदाम औद्योगिक क्षेत्र, जयपुर-302 006 (राजस्थान)	7098 (भाग 1) : 1988 क्रॉसलिंकड पॉलीथिलीन इन्सुलेटेड पीवीसी ग्रीथेड केबल्स
02.	8946306	04-07-2008	मैसर्स पैरामाउण्ट कम्युनिकेशन लिमिटेड एमपी-300, पी एण्ड ई-31 रोको औद्योगिक क्षेत्र खुलाखंडा, पॉन जंगली जिला-अलावर 301 707 (राजस्थान)	7098 (भाग 2) : 1988 क्रॉसलिंकड पॉलीथिलीन इन्सुलेटेड पीवीसी ग्रीथेड केबल्स
03.	8946710	04-07-2008	मैसर्स सनराइट इण्डिया जिप्सम 17 किमी मार्गला स्टेशन जैसलमेर एन.एन. 15, नलबाडी जिला बीकानेर (राजस्थान)	2547 (भाग 1) : 1976 जिप्सम विनिर्दिष्ट प्लास्टर
04.	8947712	10-07-2008	मैसर्स श्री अग्निहोत्र केबल्स जी-845 ए, राड नं. 14 विश्वकर्मा औद्योगिक क्षेत्र जयपुर-302 013 (राजस्थान)	7098 (भाग 1) : 1988 क्रॉसलिंकड पॉलीथिलीन इन्सुलेटेड पीवीसी ग्रीथेड केबल्स
05.	8947813	11-07-2008	मैसर्स डीएचएम स्टैण्ड्स प्रा.लि. प्लॉट नं. 812, बी-4 एवं 5 फेज 3, रोको औद्योगिक क्षेत्र पिब्राडी 301 019 जिला-अलावर (राजस्थान)	2830 : 1992 कार्बन स्टेनल फास्ट बिलेट इनार्टम
06.	8949110	17-07-2008	मैसर्स एम्बे (इक्वो पम्पस) इंजीनियर्स प्रा. लि. ए-407 एन, रोड नं. 14 विश्वकर्मा औद्योगिक क्षेत्र जयपुर 302 013	15500 (भाग 3) : 2004 डीपवेल हेण्डपम्प, कम्पॉनेन्ट्स एण्ड स्पेशल टूल्स-हेण्डपम्प सब-असेम्बलीज

(1)	(2)	(3)	(4)	(5)
07.	8949211	18-07-2008	मैसर्स गुरदीप ज्वैलर्स मेन मार्केट हनुमानगढ़ टाउन (राजस्थान)	1417 : 1999 स्वर्णाभूषणों की हालमार्किंग
08.	8951194	24-07-2008	मैसर्स बीएमआई केबल्स प्रा.लि. एफ-83, एवं 84, खुशखेड़ा रीको औद्योगिक क्षेत्र भिवान्डी-301 019 जिला-अलवर (राजस्थान)	1554 (भाग 1) : 1988 पीवीसी इन्सुलेटेड (एच डी) केबल्स
09.	8951295	24-07-2008	मैसर्स बीएमआई केबल्स प्रा.लि. एफ-83, एवं 84, खुशखेड़ा रीको औद्योगिक क्षेत्र भिवान्डी-301 019 जिला-अलवर (राजस्थान)	9968 (भाग 1) : 1988 इलास्टोमर इन्सुलेटेड केबल्स
10.	8951905	25-07-2008	मैसर्स लाम्बा अप्लायंसेज डिग्री हाउस के चान्दर टॉक रोड, सी-स्क्रीम जयपुर-302 001 (राजस्थान)	374 : 1979 इलेक्ट्रिक सीलिंग टाईप फैन एण्ड रेगुलेटर्स
11.	8952095	25-07-2008	मैसर्स पिकसिटी प्लाइवोर्ड प्रा.लि. एफ-101 (बी) एवं एफ-108 (सी) रीको औद्योगिक क्षेत्र आगरा रोड, बस्सी जिला-जयपुर (राजस्थान)	303 : 1989 प्लाइवुड फॉर जनरल परपज
12.	8952604	25-07-2008	मैसर्स एस.जी. वायर्स एण्ड केबल्स जे-878, सीतापुरा औद्योगिक क्षेत्र फेज-III, जयपुर (राजस्थान)	694 : 1990 पीवीसी इन्सुलेटेड केबल्स

[सं. सीएमडी 13:11]

पी.के. शम्भौर, उप महानिदेशक (मुहर)

MINISTRY OF CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 29th September, 2008

S.O. 2842—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulation, 1988, the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedules.

SCHEDULE

Sl. No.	Licence No. (CM/I-)	Operative Date	Name and Address of the Licensee	Article/Process covered by the licences and the relevant IS : Designation
(1)	(2)	(3)	(4)	(5)
July 2008				
01.	8944302	27-06-2008	M/s. Jaipur Polymers Industries 19, Kartarpura Bais Godam Industrial Area, Jaipur-302 006 Rajasthan,	7098 (Part I): 1988 Crosslinked Polyethylene Insulated PVC Sheathed Cables
02.	8946306	04-07-2008	M/s. Paramount Communication Limited SP-30A, B, & E-31 RHCO Industrial Area, Khushkhara, Village-Karoli, Alwar-301 707 (Rajasthan)	7098 (Part I): 1988 Crosslinked Polyethylene Insulated PVC Sheathed Cables
03.	8946710	04-07-2008	M/s. Sunrise India Gypsum 17 KM Mile Stone Jaisolmer NH-15, Nalbadi Bikaner (Rajasthan)	2547 (Part I): 1976 Gypsum Building Plaster
04.	8947712	10-07-2008	M/s. Shree Arianth Cables G-845 A, Road No. 14 V.K.I. Area Jaipur-302 013 (Rajasthan)	7098 (Part I): 1988 Crosslinked Polyethylene Insulated PVC Sheathed Cables
05.	8947813	11-07-2008	M/s. DSP Steels Pvt. Ltd. Plot No. 812 B-4 and 5 Phase III, RHCO Industrial Area Bhiwadi Distt. Alwar-301 019 (Rajasthan)	2830 : 1992 Carbon Steel Cast Billet Ingots
06.	8949110	17-07-2008	M/s. V. Line (Urvashi Pumps) Engineer, Pvt. Ltd. A-807, S. A. Road, No. 14 V.K.I. Area Jaipur-302 013 (Rajasthan)	15509 (Part I): 2004 Deepwell Handpumps, Components & Special Tools Handpump Sub- Assemblies
07.	8949211	18-07-2008	M/s. Goshop Jewellers Main Market Himmatnagarh Town (Rajasthan)	1417 : 1999 Hallmarking of Gold Jewellery
08.	8951194	24-07-2008	M/s. BM Cables Pvt. Ltd. E-81, & 82, Khushkhara RHCO Industrial Area Bhiwadi-301 019 Distt. Alwar (Rajasthan)	1553 (Part I): 1988 PVC Insulated (UID) Cables

(1)	(2)	(3)	(4)	(5)
09.	8951295	24-07-2008	M/s. BMI Cables Pvt. Ltd. F-83 & 84, Kushkhera RHICO Industrial Area Bhiwadi-301019 Distt. Alwar (Rajasthan)	9968 (Part 1) : 1988 Elastomer Insulated Cables
10.	8951905	25-07-2008	M/s. Lamba Appliances Inside Diggi House, Tonk Road C-Scheme Jaipur-302001 (Rajasthan)	374 : 1979 Electric Ceiling Type Fans & Regulators
11.	8952095	25-07-2008	M/s. Pinkcity Plyboard Pvt. Ltd. F-101(B) & F-103(C) RHICO Industrial Area Agra Road, Bassi Distt. Jaipur (Rajasthan)	303 : 1989 Plywood for General Purposes
12.	8952604	25-07-2008	M/s. S.G. Wires & Cables J-878, Sitapura Industrial Area Phase-III, Jaipur (Rajasthan)	694 : 1990 PVC Insulated Cables

[No. CMD/13/11]

P.K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 29 सितम्बर, 2008

का.आ. 2843.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम (4) के उप विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न विवरण वाले लाइसेंसों को आगे दर्शाई तारीख से लाइसेंस स्वीकृत कर दिया गया है।

क्रम संख्या	लाइसेंस संख्या	लाइसेंसधारों का नाम एवं पता	लाइसेंस के अंतर्गत प्रक्रम संबंध एवं भारतीय मानक सहित	स्वीकृत करने की तिथि
(1)	(2)	(3)	(4)	(5)
1.	8945405	मैसर्स इंड्रा बेचरेजेस, खसरा नं. 146, ग्राम भेडोरा, तहसील बडवारा, कदनी (म.प्र.)	आईएस 14543 : 2004 पैकेज्ड ड्रिंकिंग वाटर	01-07-2008
2.	8953606	मैसर्स भदोरा इंडस्ट्रियल, 4, सेमी अर्बन इंडस्ट्रियल इस्टेट, डोंगा, टिकमगढ़, (म.प्र.)	आईएस 14255 : 1995 एक्सप्लोपीड इन्सुलेटेड फेस कंडक्टर्स	09-07-2008
3.	8953707	मैसर्स मंगला इंजिनियरिंग लिमिटेड, प्लॉट 2, प्लॉट नं. 100 बी, इंडस्ट्रियल नं. 3, ए बी रोड, देवास, मध्य प्रदेश	आईएस 8472 : 1998 पम्प रिजिनरेटिव आर क्लिअर कोल्ड वाटर	09-07-2008
4.	8949312	मैसर्स स्वेला इंटरप्राइजेस खसरा नं. 88/29, पानपुरी रिंग रोड नं. 2, बिरगौब, रायपुर (छ. प्र.)	आईएस 1415 पार्ट : 1999 स्प्रिंकलर पाइपस	16-08-2008
5.	8950192	मैसर्स आइस रॉक फूड एण्ड बेचरेजेस, 791-कटेगराईज मार्केट, बेरासिया, रोड, भोपाल-मध्यप्रदेश	आईएस 14543 : 2004 पैकेज्ड ड्रिंकिंग वाटर	16-07-2008

(1)	(2)	(3)	(4)	(5)
6	8954103	मैसर्स. जचदीप इस्पात एण्ड एलॉयस प्रा. लि. (यूनिट-3), 669-670, सेक्टर-3 इण्डस्ट्रीयल एरिया, पीथमपुर, जिला-धार (म.प्र.)	आईएस 2830 : 1992 कार्बन स्टील बीलेट इंगोट्स, बीलेट, ब्लुम्स एण्ड स्लैब्स का रि-रोलिंग इंटू स्टील फॉर स्ट्रक्चरल परपोज	18-07-2008
7	89505969	मैसर्स प्रकाश अस्फाल्टिंग्स एण्ड टॉल हाईवेज इंडिया लिमिटेड, ग्राम-दुधौ, तहसील-भरमपुरी, जिला-धार (मध्य प्रदेश)	आईएस 458 : 2003 प्रिकास्ट कंक्रीट पाइप	18-07-2008

[सं. कन्द्रीय प्रमाणन: 13 : 11]

प्रो.के. गम्भीर, डप महानिदेशक (पुनर)

New Delhi, the 29th September, 2008

S.O. 2843.—In pursuance of Sub regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification) Regulation 1988, of the Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following Schedule :

SCHEDULE

Sl. No.	Licence No.	Name and address of the licensee	IS No. and title	Grant Date
(1)	(2)	(3)	(4)	(5)
1	8945405	M/s. Indra Beverages Khasra No. 146, Village Bhadora, Tehsil Badawara, Katni (M. P.)	IS 14543 : 2004 Packaged Drinking Water	01-07-2008
2	8953606	M/s. Bhadora Industries 4, Semi Urban Industrial Estate, Dhonga Tikomgarh (M. P.)	IS 14255 : 1995 XLPE Insulated Aluminium phase conductors and bare Aluminium alloy Messenger Conductors	09-07-2008
3	8953707	M/s. Mangla Engineering Limited (Unit II), Plot No. 100-B, Industrial Area No. 3, A.B. Road, Devas (M. P.)	IS 8472 : 1998 Pumps- Regenerative or clear cold water—Specification	09-07-2008
4	8949312	M/s. Sweta Enterprises, Khasra No. 88/29, Bhanpuri, Ring Road, No. 2, Birgaon, Raipur (C. G.)	IS 14151 (Part) : 1999, Irrigation Equipment Sprinkler Pipes—Specification- Part 2 : Quick Coupled Polyethylene Pipes	16-07-2008
5	8940192	M/s. Ice Rock Food and Beverages, 791-Categorised Market, Bairasia Road, Bhopal, (M. P.)	IS 14543 : 2004 Packaged Drinking Water	16-07-2008
6	8950596	M/s. Prakash Asphaltings and Toll Highways (India) Limited, Village Dudli, Tehsil Dharampuri Dhar (MP)	IS 458 : 2003 Specification for Precast Concrete Pipes with and without Reinforcement	18-07-2008
7	8954103	M/s. Jaidcep Ispat and Alloys Pvt. Limited (Unit III), 669-670, Sector-III, Industrial Area, Pithampur (M. P.)	IS 2830 : 1992 Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling into steel for general structural purposes	18-07-2008

[No. CMD 13. 11]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 30 सितम्बर, 2008

क्र.आ. 2844.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15782 : 2008 वस्त्रादि-वस्तुओं के ज्वलन से निकले धुएं द्वारा दृश्यता के ह्रास को ज्ञात करने की पद्धति	नहीं	अगस्त, 2008

अब यह भारतीय मानक बिक्री के लिये उपलब्ध होगा।

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो के मुख्यालय मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और इसके क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : टीएक्सडी/जी-25]

पी. भटनगर, वैज्ञानिक 'ई' एवं प्रमुख (टीएक्सडी)

New Delhi, the 30th September, 2008

S.O. 2844. —In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Established	No. & year of Indian Standard, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1	IS 15782: 2008 Textiles-Method For Determining Deterioration of Visibility due to Smoke Released on Combustion of Materials	Nil	August, 2008

Henceforth, this standard will be available for sale.

Copy of this Standard is available for sale with H. Q. at Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices at New Delhi, Kolkata/Chandigarh, Chennai, Mumbai and also Branch Offices at Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: TXD/G-25]

P.BHATNAGAR, Scientist 'E' & Head (Textiles)

नई दिल्ली, 30 सितम्बर, 2008

क्र.आ. 2845.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 2846 एम और 105 सी (10) 2006 बस्त्रादि में के पतनकेपत में परीक्षण भाग सी 10 साबुन या साबुन और सोडा से धुलाई पर रंग का प्रसक्तान	आई एस 687:1979, आई एस 764:1979, आई एस 765:1979, आई एस 3361:1979, आई एस 3417:1979	सितम्बर, 2008

अन्य यह भारतीय मानक बिक्री के लिये उपलब्ध होगा ।

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो के मुख्यालय, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और इसके क्षेत्रीय कार्यालय, नई दिल्ली, कोयंबटूर, चण्डीगढ़, चेन्नई, मुम्बई तथा साखा कार्यालयों: अहमदाबाद, बंगलूर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, काठमांडू, कलकत्ता, कोलकाता, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[संदर्भ : टीएक्सडी/जी-25]

पी. भटनागर, वैज्ञानिक 'ई' एवं प्रमुख (टीएक्सडी)

New Delhi, the 20th September, 2008

S.O. 2846. In pursuance of clause (b) of sub-rule (3) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian standards, particulars of which are given in the Schedule hereto annexed have been established from the date indicated against each:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1	IS:ISO 15907-1:2006 Textiles- Tests for colour fastness-Part 6: 10 C wash, Fastness to Washing With Soap or Soap and Soda	IS 687: 1979, IS 764: 1979, IS 765: 1979, IS 3361: 1979 and IS 3417: 1979	September 2008

Henceforth, this standard will be available for sale.

Copy of this Standard is available for sale with 10% at Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices in New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices at Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref:TXD/G-25]

P. BHATNAGAR, Scientist 'E' & Head (Textiles)

नई दिल्ली, 20 अक्टूबर, 2008

का.आ. 2846.- भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसार में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो रहा है :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
----------------	--	--	--------------

(1)	(2)	(3)	(4)
1.	आईएस 737:2008 सामान्य इंजीनियरी प्रयोजनों के लिए पिटवा एल्यूमिनियम एवं एल्यूमिनियम मिश्र धातु की चादर एवं पत्ती- विशिष्टि (चौथा पुनरीक्षण)	आईएस 737:1986	30 सितम्बर, 2008

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और इसके क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, पोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी-7/टी-14]

डा. (श्रीमति) स्नेह भट्टला, वैज्ञानिक एफ एवं प्रमुख (एमटीडी)

New Delhi, the 1st October, 2008

S.O. 2846. —In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Established	No. & Year of Indian Standard, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1	IS 737: 2008 Wrought aluminium and aluminium alloy sheet and strip for general engineering purposes- Specification (Fourth revision)	IS 737:1986	30 September, 2008

Copy of this Standard is available for sale with H. Q. at Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices at New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD-7/T-14]

DR. (MRS.) SNEH BHATLA, Scientist 'F' & Head (Met. Engg.)

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2847.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
----------------	---	--	--------------

(1)	(2)	(3)	(4)
1.	आईएस 1136:2008 पिटवा धातु उत्पादों के लिए अधिमामित आकार (तीसरा पुनरीक्षण)	आईएस 1136:1990	30 सितम्बर, 2008

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और इसके क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी-4 टी-6]

डा. (श्रीमति) स्नेह भाट्ला, वैज्ञानिक एफ एवं प्रमुख (एम्प्टीडो)

New Delhi, the 1st October, 2008

S.O. 2847.—In pursuance of clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Established	No. & Year of Indian Standard, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1	IS 1136: 2008 Preferred sizes for wrought metal products (third revision)	IS 1136:1990	30 September, 2008

Copy of this Standard is available for sale with Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref MTD-7 T-6]

DR. (MRS.) SNEH BHATLA, Scientist 'F' & Head (Met. Engg.)

नई दिल्ली, 3 अक्टूबर, 2008

का.आ. 2848.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वह स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (को)की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों का कोई हो, को संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 2540:2008 चूड़ीदार खुले छिद्र के लिए आयात (पहला पुनरीक्षण)	-	सितम्बर, 2008
2.	आईएस 15790:2008/आईएसओ 15654:2004 संचरण परिशुद्धता रोलर चेंनों की श्रॉटि परीक्षण पद्धति	-	सितम्बर, 2008

इन भारतीय मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : पीजीडी /जी -3.5]

सु. भट्टाचार्य, वैज्ञानिक 'ई' एवं प्रमुख (पीजीडी)

New Delhi, the 3rd October, 2008

S.O. 2848.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 2540: 2008 Dimensions for threaded centre holes (first revision)	-	September 2008
2.	IS 15790:2008/ISO 15654:2004 Fatigue test method for transmission precision roller chains	-	September, 2008

Copy of these Standards is available for sale with Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: PGD/G-3.5]

S. BHATTACHARYA, Scientist 'F' & Head (PGD)

नई दिल्ली, 3 अक्टूबर, 2008

का.आ. 2849.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि निम्न भारतीय मानक में संशोधन किया गया/ किए गए हैं :-

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधित लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आईएस 15268 (भाग 1): 2002/आईएसओ 8037-1:1986 प्रकाशिकी और प्रकाशिक उपकरण—माइक्रोस्कोप—स्लाइड भाग 1 आयाम, प्रकाशित गुणधर्म और सुहरांकन पद्धति	1	अगस्त, 2008
2.	आईएस 15268 (भाग 2): 2002/आईएसओ 8037-2:1997 प्रकाशिकी और प्रकाशिक उपकरण—माइक्रोस्कोप—स्लाइड भाग 2 सामान की गुणवत्ता, फिनिश तथा पैकेजिंग का तरीका	1	सितम्बर, 2008
3.	आईएस 15270 (भाग 1): 2002/आईएसओ 8255-1:1986 प्रकाशिकी और प्रकाशिक उपकरण—माइक्रोस्कोप—आवास ग्लास भाग 1 आयाम, छूटें, मोटाई और प्रकाशित गुणधर्म	1	अगस्त, 2008

(1)	(2)	(3)	(4)
4.	आईएस 15270 (भाग 2): 2002/आईएसओ 8255-2:1997 प्रकाशिकी और प्रकाशिक उपकरण माइक्रोस्कोप आवरण ग्लास भाग 2 सामान को गुणता, फिनिश तथा पैकेजिंग का तरीका	1	सितम्बर, 2008

इन भारतीय मानकों के संशोधनों को प्रतिपादित भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, थाणाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, एण्ड तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध है।

[संदर्भ : पीजीडी/जी-3.5]

सु. भट्टाचार्य, वैज्ञानिक 'ई' एवं प्रमुख (पीजीडी)

New Delhi, the 3rd October, 2008

S.O. 2849.—In pursuance of clause (h) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been amended on the date indicated against each:

SCHEDULE

Sl. No.	No. & Year of the Indian Standard Established	No. & Amendments & Date	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 15268: (Part 1) 2002/ISO 8037-1: 1986 Optics and optical instruments- Microscopes- Slides Part 1 Dimensions, optical properties and marking	1	August, 2008
2.	IS 15268: (Part 2) 2002/ISO 8037-2: 1997 Optics and optical instruments- Microscopes- Slides Part 2 Quality of material, standards of finish and mode of packaging	1	September, 2008
3.	IS 15270: (Part 1) 2002/ISO 8255-1: 1986 Optics and optical instruments- Microscopes- Cover glasses Part 1 Dimensional tolerances, thickness and optical properties	1	August, 2008
4.	IS 15270: (Part 2) 2002/ISO 8255-2: 1997 Optics and optical instruments- Microscopes- Cover glasses Part 2 Quality of materials, standards of finish and mode of packaging	1	September, 2008

Copy of these amendments Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9] Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: PGD/G-3.5]

S. BHATTACHARYA, Head (PGD)

नई दिल्ली, 3 अक्टूबर, 2008

क्र.आ. 2850.—भारतीय मानक ब्यूरो (ब्यूरो ऑफ़ स्टैंडार्ड्स) के विनियम 5 के उपविनियम 1(1) के अनुसरण में भारतीय मानक ब्यूरो एक्ट द्वारा अधिष्ठापित किया है कि निम्न चित्रण वाले आवरण ग्लास भाग 2 सामान को गुणता और दर्शायी गई तारीख से वह स्वीकृत कर दिया गया है :-

अनुसूची

क्रम सं.	लाइसेंस सं. सीएम/एल	लाइसेंसधारी का नाम व पता	लाइसेंस के अंतर्गत वस्तु/प्रक्रम सम्बंध भारतीय मानक का शीर्षक	रद्द करने की तिथि
1.	7425269	अमिधारा मिनरल तथा सोडा वॉटर प्रोजेक्ट, एनएच धुलिया रोड, सर्वे नंबर 29 एट कानपुर गाँव हैड पोस्ट वायरा सूरत	पैकेजबंद पेयजल, आईएस 14543:2004	6-4-2008
2.	7537179	श्री लक्ष्मी वुड इंडस्ट्रीज, उजोडिया रोड एट महियाल तालुक, टालोड साबरकाण्ठ 383215	प्लाईवुड फॉर जनरल परपस, आईएस 303:1989	7-7-2008
3.	7564990	भागवद ध्वज मार्केटिंग प्रा. लि, तालव किनारा, सोला गाम, तालुक डैस्करोल, अहमदाबाद	पैकेजबंद पेयजल, आईएस 14543:2004	15-7-2008

[सं. सीएमडी 13:13]

पी.के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 3rd October, 2008

S.O. 2850.—In pursuance of sub-regulation (6) of regulation 5 of the Bureau of Indian Standards (Certification) Regulations, 1988, of the Bureau of Indian Standards, hereby notifies that the licences particulars of which are given below have been cancelled/suspended with effect from the date indicated against each:

SCHEDULE

Sl.	Licence No. CM/L-	Name and Address of the licensee	Article/ Process with relevant Indian Standards covered by the licence cancelled	Date of Cancellation
1.	7425269	Amidhara Minerals and Soda Water product NH Dhulia Road, Survey No. 29 at kanpur village Head Post Vyara Distt Surat	Packaged Drinking Water, IS 14543:2004	6-4-2008
2.	7537179	Shree Laxmi Wood Industries, Ujediya Road, At Mhiyal, Tal Talod, Distt Sabarkantha 383215	Plywood for General Purposes, IS 303:1989	7-7-2008
3.	7564990	Bhagvad Dhvaj marketing Pvt. Ltd., Talav kimara, Sola Gam, Tal Daskrol; Ahmedabad	Packaged Drinking Water. IS 14543:2004	15-7-2008

[No. CMD/ 13 : 13]

P.K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 3 अक्टूबर, 2008

का.आ. 2851.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिए गये मानक(कों) में संशोधन किया गया/ किये गये हैं :-

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक को संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 6044 (भाग 1) : 2000 द्रवित पेट्रोलियम गैस भंडारण संयंत्रों की रीति संहिता, भाग 1 बाणिज्यिक तथा औद्योगिक सिलिंडर, संयंत्र (पहला पुनरीक्षण)	संशोधन नं. 1 सितंबर, 2008	30 सितंबर, 2008

(1)	(2)	(3)	(4)
2.	आई एस 12798:1989 घरेलू सिलाई मशीन प्लाई व्हील- विशिष्ट	संशोधन नं. 1 सितंबर 2008	30 सितंबर 2008
3.	आई एस 15872:1993 घरेलू सिलाई मशीन स्टांच रीग्युलेटर- विशिष्ट	संशोधन नं. 2 सितंबर 2008	30 सितंबर 2008
4.	आई एस 13972:1994 घरेलू सिलाई मशीन बॉबिन वाइंडर समुच्चय- विशिष्ट	संशोधन नं. 1 सितंबर 2008	30 सितंबर 2008
5.	आई एस 14899:2000 स्वचल उपयोग के लिए द्रवित पेट्रोलियम गैस (एल. पी. जी.) के धारक- विशिष्ट	संशोधन नं. 5 सितंबर 2008	25 सितंबर 2008

इस संशोधन की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली 110002 क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : एम. ई. डी. जी. 2:1]

सी. के. वैद्य, वरिष्ठ एफ. एवं प्रमुख (एम. इंजीनियरिंग)

New Delhi, the 3rd October, 2008

S.O. 2851. -In pursuance of clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendments to the Indian Standard, particulars of which are given in the Schedule hereto annexed have been issued:

SCHEDULE

Sl No.	No. & Year of the Indian Standard	No. and year of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 6044: (Part 1) 2000 Code of practice for liquefied petroleum gas storage installations Part 1 Commercial and industrial cylinder installations (First Revision)	Amendment No.1 September 2008	30 September 2008
2.	IS 12798:1989 Household sewing machine- Flywheels - Specification	Amendment No.1 September 2008	30 September 2008
3.	IS 15872:1993 Household sewing machine- Stitch regulators - Specification	Amendment No. 2 September 2008	30 September 2008
4.	IS 13972:1994 Household sewing machines- Bobbin winder assembly - Specification	Amendment No.1 September 2008	30 September 2008
5.	IS 14899:2000 Liquefied petroleum gas (LPG) containers for automotive use- Specification	Amendment No.5 September 2008	25 September 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Tiruvananthapuram.

[Ref:MI-DG-2:1]

C. K. VEDA, Sec. F & Head (Mechanical Engineering)

कोयला मंत्रालय

नई दिल्ली, 29 सितम्बर, 2008

का. आ. 2852.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का. आ. 4921 तारीख 19 दिसम्बर, 2006 द्वारा और जो भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 23 दिसम्बर, 2006 में प्रकाशित की गई थी, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में और उस पर के सभी अधिकारों का अर्जन करने के अपने आशय की सूचना दी थी।

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और छत्तीसगढ़ सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में यथा वर्णित 559.149 हेक्टर (लगभग) या 1381.657 एकड़ (लगभग) माफवाली भूमि में और उस पर के सभी अधिकार अर्जित किए जाने चाहिए।

अतः अब केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में यथावर्णित 559.149 हेक्टर (लगभग) या 1381.657 एकड़ (लगभग) माफवाली भूमि में और उस पर के सभी अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. एसईसीएल/बीएसपी/जीएम/(पीएलजी)/भूमि/318 तारीख 12 मई, 2008 का निरीक्षण कलेक्टर, रायगढ़ (छत्तीसगढ़) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता-700 001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495006 (छत्तीसगढ़) के कार्यालय में किया जा सकेगा।

अनुसूची

कुरुमकेला ब्लॉक (भाग-II) जामपाली, मांड-रायगढ़ कोलफील्ड्स

जिला-रायगढ़ (छत्तीसगढ़)

(रेखांक सं. एसईसीएल/बीएसपी/जीएम/(पीएलजी)/भूमि/318 तारीख 12 मई, 2008)

सभी अधिकार

क्रम संख्या	ग्राम का नाम	बंदोबस्त संख्या	पटवारी हल्का संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1.	कोसमघाट	46	17	घरघोडा	रायगढ़	6.336	भाग
2.	घोघरा	93	17	घरघोडा	रायगढ़	57.976	भाग
3.	कुरुमकेला	31	17	घरघोडा	रायगढ़	502.997	भाग

कुल : 559.149 हेक्टर (लगभग)

या 1381.657 एकड़ (लगभग)

वर्णित किए गए प्लॉट संख्या का वर्णन :

(1) ग्राम कोसमघाट (भाग) में अर्जित किए गए प्लॉट संख्या : 632/1 और 633/1

(2) ग्राम घोघरा (भाग) में अर्जित किए गए प्लॉट संख्या : 1/1, 1/2, 2 से 12, 25, 28 से 42 और 44.

(3) ग्राम कुरुमकेला (भाग) में अर्जित किये प्लॉट संख्या : 173 से 189, 190/1, 190/2, 191 से 200, 202, 203, 206/1 (भाग), 206/2 (भाग), 207 से 210, 308 (भाग), 309/1, 310 से 322, 323 (भाग), 330 (भाग), 332 से 350, 351/1, 351/2, 351/3, 352 से 354, 355 (भाग), 357 से 387, 388/1, 388/2, 389 से 393, 394/1, 394/2, 394/3, 395 से 398, 399/1, 399/2, 399/3, 399/4, 399/5, 400 से 417, 418/1, 418/2, 418/3, 419 से 425, 426/1, 426/2, 427 से 430, 431/1, 431/2, 432 से 438, 440 से 465, 466 (भाग), 467 से 491, 492/1, 492/2, 493 से 495, 496/1, 496/2, 497, 498, 499, 500 (भाग), 514 (भाग), 515, 516, 517/1 (भाग), 528/1 क (भाग), 528/2, 528/52, 528/53, 528/54, 528/65 और 183/1983

सीमा वर्णन

- क-ख** रेखा, ग्राम कुडुमकेला-पुमनदा नामों की सम्मिलित सीमा पर "क" बिन्दु से आरंभ होगी, य आरंभ ग्राम कुडुमकेला-पुमनदा, घोमरा-पुमनदा ग्रामों की सम्मिलित सीमा से प्लॉट नं० हुई "ख" बिन्दु पर मिलती है।
- ख-ग** रेखा, ग्राम घोमरा के प्लॉट संख्या 1/2, 12, 25, 19, 28, 39, 42, 38, 44 की उत्तरी सीमा से गुजरती हुई "ग" बिन्दु पर मिलती है।
- ग-घ** रेखा, ग्राम कुडुमकेला में प्रवेश करती है और भाग के उत्तरी सीमा से गुजरती है फिर प्लॉट संख्या 138 की उत्तरी सीमा से गुजरती हुई "घ" बिन्दु पर मिलती है।
- घ-ङ** रेखा, ग्राम कुडुमकेला के प्लॉट संख्या 438, 440, 441 की पूर्वी सीमा, के साथ-साथ
- घ-छ** प्लॉट संख्या 500 से प्लॉट संख्या 497 की पूर्वी सीमा के साथ-साथ प्लॉट संख्या 500, 514 से होगी हुई प्लॉट संख्या 517/1 की पूर्वी सीमा से गुजरती हुई "छ" बिन्दु पर मिलती है।
- छ-ज** रेखा, ग्राम कुडुमकेला के प्लॉट संख्या 517/1, 566 से, प्लॉट संख्या 528/54।
- झ** 528/53, 528/52, 528/2 की दक्षिणी सीमा फिर प्लॉट संख्या 528/2 की पश्चिमी सीमा से गुजरती हुई "ज" बिन्दु पर मिलती है।
- झ-ञ** रेखा, ग्राम कुडुमकेला के प्लॉट संख्या 528/1 का, 308, से प्लॉट संख्या 309/1 की दक्षिणी सीमा पर प्लॉट संख्या 308 से गुजरती हुई "ञ" बिन्दु पर मिलती है।
- ञ-ट** रेखा, ग्राम कुडुमकेला के प्लॉट संख्या 308, 323 से प्लॉट संख्या 317 की पश्चिमी सीमा, प्लॉट संख्या 330 से, प्लॉट संख्या 333, 337 की पश्चिमी सीमा, प्लॉट संख्या 355 से फिर प्लॉट संख्या 357, 358, 359, 209, 210 की पश्चिमी सीमा, प्लॉट संख्या 206/1, 206/2 से, प्लॉट संख्या 200, 202 की पश्चिमी सीमा से गुजरती हुई "ट" बिन्दु पर मिलती है।
- ट-ड-ड-ढ-ण** रेखा, ग्राम कुडुमकेला के प्लॉट संख्या 174, 173 की दक्षिणी सीमा तथा प्लॉट संख्या 173 की पश्चिमी सीमा से गुजरती है फिर ग्राम कोसमघाट में प्रवेश करती है और 632/1, 633। की पश्चिमी सीमा, प्लॉट संख्या 633। की उत्तरी सीमा से गुजरती हुई "ण" बिन्दु पर मिलती है।
- ण-क** रेखा, भागतः ग्राम कुडुमकेला-कोसमघाट की सम्मिलित सीमा से गुजरती हुई अर्थात्क "क" बिन्दु पर मिलती है।

[सं. 43015-S-2008 पोअरआईडब्ल्यू-1(कल्प-11)]

एम. शहाबुद्दीन, अवर सचिव

MINISTRY OF COAL

New Delhi, the 29th September, 2008

S.O. 2852.—Whereas, by the notification of the Government of India in the Ministry of Coal number S. O. 4921 dated the 19th December, 2006, issued under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part-II, Section 3, sub-section (ii) dated the 23rd December, 2006, the Central Government gave notice of its intention to acquire the land as all rights in or over such lands specified in the Schedule appended to that notification.

And, whereas, the competent authority in pursuance of Section 8 of the said Act has made his report to the Central Government;

And, whereas, the Central Government after considering the aforesaid report and after consulting the Government of Chhattisgarh, is satisfied that the lands measuring 559.149 hectares (approximately) or 1381.657 acres (approximately) as all rights in or over such lands as described in the Schedule appended hereto, should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Central Government hereby declared that the land measuring 559.149 hectares (approximately) or 1381.657 acres (approximately) as all rights in or over such lands as described in Schedule are hereby acquired.

The plan bearing number SECL/BSP GM (P) ELAND/318 dated the 12th May, 2008, of the area covered by this notification may be inspected in the Office of the Collector, Raigarh, (Chhattisgarh) or in the Office of the Coal Controller, 1, Council House Street, Kolkata-700 001 or in the Office of the South Eastern Coalfield Limited. (Revenue Section), Seepat Road, Bilaspur-495 006 (Chhattisgarh).

SCHEDULE**Kurumkela Block (Part-II) Jampali, Mand-Raigarh Coalfield****District-Raigarh (Chhattisgarh)****(Plan bearing number SECL/BSP/GM/(PIg)/LAND/318 dated the 12th May, 2008)****All Rights**

Sl. No.	Name of village	Settlement Number	Patwari Halka Number	Tehsil	District	Area in hectares	Remarks
1.	Kosamghat	46	17	Gharghoda	Raigarh	0.336	Part
2.	Ghoghra	93	17	Gharghoda	Raigarh	57.916	Part
3.	Kudumkela	31	17	Gharghoda	Raigarh	500.897	Part
Total:- 559.149 hectares (approximately) or 1381.657 acres (approximately)							

Details of Plot number acquired :

1) Plot numbers acquired in village Kosamghat (part):- 632/1 and 633/1.

2) Plot numbers acquired in village Ghoghra (part):- 1/1, 1/2, 2 to 12, 25, 28 to 42 and 44.

3) Plot Numbers acquired in village Kudumkela (part): 173 to 189, 190/1, 190/2, 191 to 200, 202, 203, 206/1 (part), 206/2 (part), 207 to 210, 308(part), 309/1, 310 to 322, 323 (part), 330 (part), 332 to 350, 351/1, 351/2, 351/3, 352 to 354, 355 (part), 357 to 387, 388/1, 388/2, 389 to 393, 394/1, 394/2, 394/3, 395 to 398, 399/1, 399/2, 399/3, 399/4, 399/5, 400 to 417, 418/1, 418/2, 418/3, 419 to 425, 426/1, 426/2, 427 to 430, 431/1, 431/2, 432 to 438, 440 to 465, 466 (part), 467 to 491, 492/1, 492/2, 493 to 495, 496/1, 496/2, 497, 498, 499, 500 (part), 514 (part), 515, 516, 517/1 (part), 528/1 k (part), 528/2, 528/52, 528/53, 528/54, 528/65 and 183/1983.

Boundary Description

- A-B** Line starts from point "A" on the Common boundary of villages Kudumkela-Pusalda and passes partly along the common boundary of villages Kudumkela-Pusalda, Ghoghra-Pusalda and meets at point "B".
- B-C** Line passes in village Ghoghra along the Northern boundary of plot numbers 1/2, 12, 25, 10, 28, 39, 42, 38, 44, and meets at point "C".
- C-D** Line enter in village Kudumkela and passes along the Northern boundary of Nalla, then Northern boundary of Plot number 438 and meets at point "D".
- D-E-F-G** Line passes in village Kudumkela along Eastern boundary of plot numbers 438, 440, 441, through plot number 500, along the Eastern boundary of plot number 497 through plot number 500, 514 Eastern boundary of plot number 517/1 and meets at point "G".
- G-H-I** Line passes in village Kudumkela through plot numbers 517/1, 466, Southern boundary of plot numbers, 528/54, 528/53, 528/52, 528/2, then Western boundary of plot number 528/2 and meets at point "I".
- I-J** Line passes in village Kudumkela through plot numbers 528/1k, 308, Southern boundary of plot number 309/1, then through plot number 308, and meets at point "J".
- J-K** Line passes in village Kudumkela through plot numbers 308, 323, Western boundary of plot number 317, through plot number 330, Western boundary of plot numbers 333, 337 through plot number 355, then Western boundary of plot numbers 357, 358, 359, 209, 210, through plot numbers 206/1, 206/2, Western boundary of plot numbers 200, 202 and meets at point "K".
- K-L-M** Line passes in village Kudumkela southern boundary of plot numbers 174, 173 Western boundary of plot number.
- N-O** 173, then enter in village Kosamghat and passes along Western boundary 632/1, 633/1 Northern boundary of plot number 633/1 and meets at point "O".
- O-A** Line passes partly along the common boundary of villages Kudumkela-Kosamghat and meets at the starting point "A".

नई दिल्ली 29 सितम्बर, 2008

का. आ. 2853. कन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना का. आ. संख्यांक 4209, तारीख 19 अक्टूबर, 2006 और जो भारत के उपखण्ड भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 28 अक्टूबर, 2006 में प्रकाशित की गई थी, द्वारा उसमें संलग्न अनुसूची में और इस अधिसूचना में भी संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में 152.997 हेक्टर (लगभग) माप वाली भूमि में कोयले का सर्वेक्षण करने के अपने आशय की सूचना दी थी;

और उक्त भूमि को वास्तव उक्त अधिनियम की धारा 7 की उपधारा (1) के अधीन कोई सूचना नहीं दी गई;

अतः अब केंद्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उपरोक्त अधिसूचना की विधिमान्यता को, 19 अक्टूबर, 2008 से आरंभ होने वाले एक वर्ष की और अवधि के लिए, ऐसी अवधि के रूप में, विस्तारित करती है जिसके भीतर केंद्रीय सरकार उक्त भूमि का या ऐसी भूमि में या उस पर के किसी अधिकार का अर्जन करने के अपने आशय की सूचना दे सकेगी।

अनुसूची

चन्द्रपुरा ग्राम समीप, झरिया कोल्फील्ड

बिना बोकारो, झारखंड

रेखांक सं. जीईआर 4 का तारीख 10 मई, 2008

क्रम संख्या	गांव	थाना	ग्राम सं.	जिला	क्षेत्रफल (एकड़)	क्षेत्रफल (हेक्टेयर)	टिप्पणी
1	पोंडलपुरा	चन्द्रपुरा	307	बोकारो	158.636	64.199	आंशिक
2	भन्डपुरा	चन्द्रपुरा	108	बोकारो	99.827	40.399	आंशिक
3	गुलारी	चन्द्रपुरा	104	बोकारो	59.797	24.199	आंशिक
4	मोहावा	चन्द्रपुरा	81	बोकारो	40.030	16.200	आंशिक
5	भालावा	चन्द्रपुरा	80	बोकारो	19.768	8.000	आंशिक
					कुल 378.058 एकड़ (लगभग) या 152.997 हेक्टेयर (लगभग)		

[सं. 43015/2-2006-पीआरआईडब्ल्यू-1]

एम. राहाबुद्दीन, अवर सचिव

New Delhi : 29th September, 2008

S.O. 2853. Whereas, by the notification of the Government of India in the Ministry of Coal number S. O. 4209 dated the 19th October, 2006, issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part-II, section 3, sub-section (ii) dated the 28th October, 2006, the Central Government gave notice of its intention to prospect for coal in lands measuring 152.997 hectares (approximately) in the locality specified in the Schedule appended thereto and also in the Schedule annexed to this notification;

And, whereas, in respect of the said lands, no notice under sub-section (1) of Section 7 of the said Act, has been given;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the said Act, the Central Government hereby extend the validity of the above notification for further period of one year commencing from the 19th October, 2008 as the period within which the Central Government may give notice of its intention to

SCHEDULE

Chandrapura Sub-Basin, Jharia Coalfields

District Bokaro, Jharkhand

Drawing no Geo/470 dated 10th May, 2008

SL No.	Village	Thana	Thana No.	District	Area in acres	Area in hectares	Remarks
1	Pipradih	Chandrapura	107	Bokaro	158.636	64.199	Part
2	Chandrapura	Chandrapura	108	Bokaro	99.827	40.399	Part
3	Ratari	Chandrapura	110	Bokaro	59.797	24.199	Part
4	Rangamati	Chandrapura	87	Bokaro	40.030	16.200	Part
5	Ghatari	Chandrapura	88	Bokaro	19.768	8.000	Part
					Total 378.058 acres (approximately) or 152.997 hectares (approximately)		

[No. 43015/2/2006-PRW-I]

M. SHAHABUDEEN, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 29 सितम्बर, 2008

का. आ. 2854.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 831 तारीख 1 अप्रैल, 2004 को अधिक्रान्त करते हुये श्री डी. बी. रहेवर, डिप्टी कलेक्टर, गुजरात सरकार को प्रतिनियुक्ति पर गुजरात राज्य के राज्य क्षेत्र के भीतर एच.पी.सी.एल. मित्तल पाइपलाइन्स लिमिटेड (एच.एम.पी.एल) की मुंद्रा-भटिंडा पाइपलाइन परियोजना के लिये उक्त अधिनियम के अधीन सक्षम अधिकारी के कृत्यों का पालन करने के लिये प्राधिकृत करती है।

[सं. आर-31015/28/2008-ओ आर-II]

अरुणोदय गोस्वामी, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 29th September, 2008

S.O. 2854.—In pursuance of Clause (a) of Section 2 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) and in supersession of notification number S.O. 831 dated the 1st April, 2004, the Central Government hereby authorizes Shri D.B. Rahevar, Deputy Collector, Government of Gujarat on deputation to HPCL-Mittal Pipelines Limited to perform the functions of the competent Authority for the Mundra-Bathinda Pipeline Project, under the said Act, within the territory of the State of Gujarat.

[No. R-31015/28/2008-OR-II]

ARUNODAY GOSWAMI, Under Secy.

नई दिल्ली 10 अक्टूबर, 2008

का. आ. 2855.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडु राज्य में ए.के.एम. ओ.एन.जी.सी. जी. जी.एस. से साउथ इण्डिया इंडियल प्रा.लि. तक पाइपलाइन परियोजना के माध्यम से प्राकृतिक गैस के परिवहन के लिए, गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कोस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, कावेरी बेसिन, 172-कमाराजर मार्ग, कराईकल-609 602 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तालुका	ग्राम	सर्वे. नं.	क्षेत्रफल (हेक्टर में)
थिरुवरूर	थिरुवरूर	19. अलिवदम	18-0	0.030
			18-1	0.010
			17-1	0.010
			17-2	0.010
			17-3	0.018
			13	0.030
			कुल	0.088

[No. 1-14014-28-2008-जी.पी.]

स्टेट प्रभा मदान, अवर सचिव

New Delhi, the 10th October, 2008

S.O. 2855.—Whereas it appears to Government of India that it is necessary in the public interest that for transportation of Natural Gas from AKMONCO (Private) South India Edible Pvt. Ltd. gas pipeline project in the State of Tamilnadu a pipeline should be laid by GAIL (India) Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962), Government of India hereby declares its intention to acquire the right of user therein

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the Competent Authority, GAIL (India) Limited, Corporation, 172-Kamarajar Road, Karimkhal-609602.

SCHEDULE

District	Taluka	Village	Survey No.	Area to be Acquired (Hectares)
Thiruvannur	Thiruvannur	19. Alivadam	18-0	0.030
			18-1	0.010
			17-1	0.010
			17-2	0.010
			17-3	0.018
			13	0.030
			Total	0.088

[No. 1-14014-28-2008-जी.पी.]

नई दिल्ली, 10 अक्टूबर, 2008

का. आ. 2856.—अतः अतः भारत सरकार को संतुष्टि में यह आवश्यक प्रतीत होता है कि तत्पश्चात् भारत में प्रसारण, साउथ इण्डिया एडिबल प्रा. लि. से करिमानम थिरुवरूर एक गैस पाइपलाइन परियोजना के माध्यम से प्राकृतिक गैस का परिवहन के लिए गैस (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन लाई जाने वाली चर्च है;

और भारत सरकार को भारत सरकार द्वारा विज्ञापन के प्रकाशन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें एक पाइपलाइन बिछा जाने का प्रस्ताव है और जो इस अधिसूचना में संलग्न अनुसूची में वर्णित है, पर देश का अधिकार का अर्जन किया जाए;

अतः अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग का अधिकार का अर्जन करने का अपने आशय की घोषणा करता है;

कोई व्यक्ति, जो एक अधिसूचना में वर्णित भूमि में हितवद्ध है, इस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र में प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध कराने की जाती हैं, इच्छा रखे कि के भीतर, भूमि के नीचे पाइपलाइन बिछा जाने के संबंध में स्वयं प्रतिकारी, गैस (इण्डिया) लिमिटेड, कार्पेरी रोड, 172-कमराजार मार्ग, कराइकल-609 602 का पता दिया हुआ में आशय भेज सकेंगे।

अनुसूची

जिला	तालुका	ग्राम	सर्वे. नं.	क्षेत्रफल (हेक्टर में)
थिरुवरूर	थिरुवरूर	19. चम्पपुर	280	0.040
			कुल	0.040
		17. करिमानममंगलम	29	0.080 जीपी
			31	0.015
			11/एसो	0.025
			कुल	0.120

[No. 1-14014-28-2008-जी.पी.]

स्टेट प्रभा मदान, अवर सचिव

New Delhi, the 10th October, 2008

S.O. 2856.—Whereas it appears to Government of India that it is necessary in the public interest that for transportation of Natural Gas from AKM South India Edible Pvt. Limited to Narmadam Silicates gas pipeline project in the State of Tamilnadu a pipeline should be laid by GAIL (India) Limited;

And, whereas it appears to Government of India that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in land under which the said

pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under land to Competent Authority, GAIL (India) Limited, Cauvery Basin, 172-Kamarajar Road, Karaikal-609602.

SCHEDULE

District	Taluka	Village	Survey No.	Area to be acquired (in Hect.)
Thiruvavur	Thiruvavur	19/1 Karuppur	280	0.04.0
			Total	0.04.0
		17 Adiyakka-mangalam	2/1	0.08.0
			3/1	0.01.5 G.P.
			11/7C	0.02.5
			Total	0.12.0

[F. No. L-14014/28/2008 - G.P.]

SNEH P. MADAN, Under Secy.

नई दिल्ली 10 अक्टूबर, 2008

का. आ. 2857.—भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में, अधिसूचना सं. का.आ. 2143 तारीख 30-5-2006 द्वारा श्री एस. के. राठौर, विशेष भूमि अध्याप्ति अधिकारी गुजरात, गुजरात राज्य में मैसर्स गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाने के लिए उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त किया था ;

और उक्त श्री एस. के. राठौर, का स्थानांतरण हो गया है और वे उपरोक्त अधिसूचना द्वारा प्रदत्त कार्यभार को पूरा करने की स्थिति में नहीं हैं ;

अतः अब, भारत सरकार, उक्त अधिनियम की धारा 2 के खण्ड (क) के अनुसरण में भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 2311 तारीख 14-8-2007 को अधिकृत करते हुए, नीचे दी गई अनुसूची के स्तंभ (1) में वर्णित

व्यक्ति को उक्त मैसर्स गेल (इण्डिया) लिमिटेड द्वारा पाइपलाइन बिछाने के लिए निम्नलिखित अनुसूची के स्तंभ (2) में वर्णित क्षेत्र में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए नियुक्त करती है ।

अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
(1)	(2)
श्री आर. वी. बरिया, विशेष भूमि अध्याप्ति अधिकारी, मैसर्स गेल (इण्डिया) लिमिटेड यूनिट-1, छठा तल, कुबेर भवन, वडोदरा-390005 (गुजरात) में मानदेय के आधार पर	गुजरात राज्य का भरुच, वडोदरा, पंचमहल और दाहोद जिला ।

[फा. सं. एल-14014/20/2005-जी.पी.]

स्नेह प्रभा मदान, अवर सचिव

New Delhi, the 10th October, 2008

S.O. 2857.—Whereas, in pursuance of clause (a) of Section 2 of Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India vide Notification S.O. 2143 dated 30-5-2006 appointed Shri S.K. Rathore, Special Land Acquisition Officer, to perform the functions of the Competent Authority under the said Act for laying of the pipeline by M/s GAIL (India) Limited in the State of Gujarat;

And, whereas, Shri S.K. Rathore has been transferred vide the above notification and he is no more in a position to perform the functions assigned;

Now, therefore, in pursuance of clause (a) of Section 2 of the said Act and in supersession of the notification of the Government of India, Ministry of Petroleum & Natural Gas vide S.O. 2143 dated 30-5-2006, the Government of India hereby authorizes the person mentioned in column (1) of the Schedule annexed to perform the functions of the Competent Authority under the said Act for laying pipelines by the said M/s GAIL (India) Limited, in the area mentioned in column (2) of the said Schedule.

SCHEDULE

Name and Address of the person	Area of Jurisdiction
Shri R.V. Bariya, Special Land Acquisition Officer, On honorarium basis to M/s. GAIL (India) Limited, Unit—1, 6th Floor, Kuber Bhawan, Vadodara-390005 (Gujarat).	Districts Bharuch, Vadodara, Panch Mahal & Dahod of Gujarat State.

[F. No. L-14014/20/2005 - G.P.]

SNEH P. MADAN, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 11 सितम्बर, 2008

का.आ. 2858.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. कोच्चि रिफाइनरिज लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, एरनाकुलम के पंचात (संदर्भ संख्या 287/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-2008 को प्राप्त हुआ था।

[सं. एल-30012/60/97-आई आर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 11th September, 2008

S.O. 2858.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 287/2006) of the Central Government Industrial Tribunal Labour Court, Ernakulam now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s Kochi Refineries Ltd. and their workman, which was received by the Central Government on 11-09-2008.

[No. L-30012/60/97-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

Present: Shri P.L. Norbert, B.A., LL.B., Presiding Officer

I.D. No. 287/2006

(I.D. No. 40/1998 of Labour Court, Ernakulam)

- Union :** The General Secretary,
Kochi Refineries Employees' Association,
Ambalamughal, Kochi-682302
By Adv. Sri C.S. Ajith Parkash
- Management :** The General Manager (HRM),
Kochi Refineries Ltd.,
Ambalamughal, Kochi-682302
By Adv. M.s. Menon and Pn.

This case coming up for hearing on 11-06-2008, this Tribunal-cum-Labour Court on 13-06-2008 passed the following:

AWARD

This is a reference made under Section 10(1) of Industrial Disputes Act, 1947. The reference is:

"Whether the action of the management of M/s. Kochi Refineries Ltd. in denying the promotion

to higher grade in respect of the following 21 workmen is justified? If not, to what relief the workmen are entitled?"

Sl.No.	Name	Token No.	Department
1.	Sh. V. Mathew	1260	Maintenance
2.	Sh. C.I. Sunny	1280	Maintenance
3.	Sh. A. Gopalan	1382	Materials
4.	Sh. M.K. Varghese	1281	Maintenance
5.	Sh. K.C. Mathew	617	S & O M
6.	Sh. M.K. Jose	649	S & O M
7.	Sh. M.T. Varkey	629	S & O M
8.	Sh. S. Kurain	623	S & O M
9.	Sh. George Philip	790	S & O M
10.	Sh. K. Anto John	1218	S & O M
11.	Sh. V. Rajan	1209	S & O M
12.	Sh. Nazimudeen S R	1762	Maintenance
13.	Sh. Ajay Kumar	1136	S & O M
14.	Sh. R. Manoj	1232	S & O M
15.	Sh. PRC'S Nair	1417	S & O M
16.	Sh. V.K. Dharmagan	1410	S & O M
17.	Sh. D. Johny	1412	S & O M
18.	Sh. James Varghese	716	Maintenance
19.	Sh. R.S. Pillai	1252	S & O M
20.	Sh. T. Mohanan	595	S & O M
21.	Sh. R. S. Pillai	789	S & O M

2. The facts of the case in brief are as follows:— 21 workers of Kochi Refineries Limited challenges through their union the action of the management in denying promotion at the appropriate time. According to them the management has deliberately denied the promotion. There is a promotion policy as per a settlement. The promotion is denied mainly due to reason of leave on loss of pay. But as per settlement it is not a ground to deny promotion. Several juniors were promoted over looking the workmen. The management is giving promotion to employees of their choice. The workers who are members of the claimant union is discriminated. The seniority of workers should have been given more weight while assessing the eligibility for promotion. Besides a test has to be conducted for promotion as per the promotion policy. However, the management did not do it. The promotion committee is not properly constituted. Hence the process of promotion is illegal.

3. According to the management different notifications were issued by the management calling for applications for promotion to different posts. The workmen who had applied for different posts if approved by the

promotion procedure and the result they should have raised different industrial disputes. A common reference is not maintainable. There is no allegation of victimization of any of the employees. In the absence of such an allegation the workers cannot challenge the decision of the management in the matter of promotion. Besides if the workers in question are given promotion by virtue of an order of the court it will adversely affect the already promoted employees. It is unfair to alter the promotion without hearing affected parties. A promotion policy was introduced by virtue of an agreement between unions and management and the policy came into effect on 31-07-1973. A promotion committee was also formed to assess the suitability of candidates for promotion. The committee has to take into consideration 7 factors to test the suitability of the candidates for promotion as per the promotion policy. The 21 workers in the present case did not pass the eligibility test and hence they could not be promoted in the first opportunity. However they were promoted subsequently as and when they became successful in the interview and assessment. Hence they are not entitled for any further relief.

4. In the light of the above contentions the only point that arises for consideration is:

Whether the management had deliberately denied promotion to 21 workers?

The evidence consists of Ext. M 1, a statement of service details of employees filed by the management.

5. The point:—The cause of 21 workers of Kochi Refineries Limited is taken up by the union that they were not given promotion on due dates. The details of vacancy to different promotion posts are elaborately dealt with in the claim statement as well as in the written statement. It is unnecessary to go into the details of each employee in view of the contention of the management that though all the 21 workers had appeared before the promotion committee and the committee had taken into consideration 7 factors as required in the promotion policy, they were not successful. 7 factors are seniority, qualification, experience required for the job, knowledge of new job, Potential to move up, review of latest appraisal, communication and health attendance. The marks obtained in respect of each factor are together counted for promotion. The contention of the union that seniority is the main criteria and other factors need not be seriously considered is not sound. As per the promotion policy all the 7 factors are to be counted. According to the management none of the 21 workers were successful in the first opportunity availed by them for promotion. But as and when their results were better they were promoted. The statement Ext. M 1 filed by the management shows the date of promotion, the category of posts and the grade. As per that all the 21 workers were given promotion on different dates. Some of them are no more and some of them have retired. The union has not been able to show that the promotion committee acted in a

biased manner or any one of the employees were victimized. The contention of the union that a written test has to be conducted before promotion is to be given has no merit as the promotion policy contemplates only one of the two methods of test or interview for promotion. The management conducted interview and assessed the suitability of candidates. That is perfectly in order. If the union does not want an interview but only written test, they are free to enter into a settlement with the management. As per the present promotion policy settlement either of the above two methods can be adopted by the management and there is no illegality in doing so. As per Ext. M 1 all the 21 workers were given promotion as and when they were qualified for promotion. Hence there can be no grievance for the workmen.

In the result an award is passed finding that the action of the management in denying promotion to 21 workmen is legal and justified and they are not entitled for any relief.

The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 13th day of June, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

Exhibit for the Management

Ext. M1 - Statement filed by the management regarding promotion given to workmen.

नई दिल्ली, 11 सितम्बर, 2008

का.आ. 2859,—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ये कोचि रिफाइनरिज लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय, एराकुलम के पंदाद (संख्या 234/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-2008 को प्राप्त हुआ था।

[सं. एन-30012/69/98-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 11th September, 2008

S.O. 2859.— In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 234/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s Kochi Refineries Ltd. and their workmen, which was received by the Central Government on 11-09-2008.

[No. L-30012/69/98-IR (C-1)]

NEH LATA JAWAS, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAMPRESENT: SHRI. P.L. NORBERT, B.A., LL.B., Presiding
Officer

I.D.234/2006

(I.D. 32/1999 of Labour Court, Ernakulam)

Union : The General Secretary,
Kochi Refineries Employees
Association,
Ambalamughal, Ernakulam Distt.
By Adv. Sri. C.S. Ajith Parkash.

Management : The General Manager (HRM),
Kochi Refineries Ltd.,
Ambalamughal, Ernakulam Distt.
By Adv. M/s. Menon and Pai

This case coming up for hearing on 13-05-2008, this
Tribunal-cum-Labour Court on 14-05-2008 passed the
following:

AWARD

This is a reference made under Section 10(1)(d) of
Industrial Disputes Act. The reference is:

"Whether the denial of promotion of
Sh. S. Subramanian from Typist Clerk Gr. V to General Clerk
Gr. VI by CRL Management is justified? If not, what relief
the workman is entitled to?"

2. Facts of the case in brief are as follows:—
Shri S. Subramanian, Typist Clerk Grade- V joined service
of Kochi Refineries Ltd., Ambalamughal on 1-3-1991 in the
Finance & Audit Department. In 1996 five vacancies of
Account-Clerks were notified and applications were called
for promotion from Typist-Clerks Gr. V. The workman too
applied for the post. An interview was conducted on
12-06-1996. However he was not selected. According to
the workman he had answered all the questions in the
interview. But the management chose to promote 5 others
junior to him. As per the promotion policy a written test is
to be conducted. However this was not done by the
management. The management has not properly evaluated
seniority and other factors mentioned in the promotion
policy. The workman had all the qualifications prescribed
by the management. But the promotion committee failed to
properly appreciate all the factors in a proper manner. He is
entitled to be promoted w.e.f. 1996.

3. According to the management there is no allegation
of victimization in the matter of selection for promotion.
There is a promotion policy regarding the procedure for
promotion. A Promotion Committee assesses the suitability
of a candidate and recommends his name for promotion.
The committee has to look into several factors while
considering the suitability of a candidate. The promotion
policy was formulated by the management in consultation
with unions and by a settlement. There were 5 vacancies

of Account-Clerk as on 17-05-1996. Out of the applicants
13 candidates were called for interview. After preliminary
screening of the applications 5 candidates were found
suitable for promotion and their names were recommended.
The workman did not succeed in the interview. However
he was subsequently promoted w.e.f. 1-5-1998 and hence
the dispute has become infructuous.

4. In the light of the above contentions the only
point that arises for consideration is:

Whether the denial of promotion in 1996 selection is
legal and proper?

The evidence consists of documents Exts. M1 to M3
alone.

5. **The Point:**—It is the case of the union that the
workman joined the service of the company on 1-3-1991 as
Typist-Clerk. It is an admitted fact that in the year 1996 five
vacancies of Account-Clerk were notified by the
management. These vacancies were to be filled by
promotion from among Typist Clerk Gr. V. The workman
had applied for the post. He appeared for the interview,
but failed. Ext. M1 is notice of job vacancy dated 17-5-1996
inviting applications from employees for the post of
Account-Clerk. Qualification and experience are mentioned
in the notice. Ext. M2 is interview result. The workman had
scored 40¼ marks in the interview. Ext. M3 is the report of
promotion committee regarding selection. 13 employees
were interviewed by the promotion committee and 5 were
found suitable for promotion. Their names are mentioned
in Ext. M3. The workman was not a successful candidate.
From the candidates who scored the highest marks, 5 were
selected according to the marks. The scoring of workman
was low. All the factors mentioned in Ext. M2 for selection
were assessed by the promotion committee. The factors
are seniority, qualification, experience, knowledge of the
new job, potential to move up, review of the latest appraisal
form, communication and health/attendance. The highest
mark obtained by the workman was in respect of seniority.
He did not fair well concerning other factors. Hence he was
not selected. The union is not able to point out any
discrimination shown by, promotion committee to the
workman. No motive is alleged for victimizing the workman.
I am not able to find any illegality in the selection. The
contention of the union that as per the promotion policy a
written test has to be conducted by the management is not
correct. In the rejoinder of the union page 3 para 10 a relevant
part of promotion policy is quoted as follows:— "the
promotion committee will perform further screening and
those candidates considered suitable shall be tested-
interviewed". It means that the management is free to
conduct either test or interview and not necessarily both.
Thus there is no impropriety or irregularity in selection. If
so the workman was not eligible for promotion in 1996.
However the written statement of the management shows
that he was given promotion subsequently w.e.f. 1-05-1998.
After hearing, management produced the order of
promotion. That shows that the workman was given

promotion as Account-Clerk in Finance & Accounts Department w.e.f. 1-5-1998. However he is not entitled for promotion w.e.f. 1996.

In the result, an award, is passed finding that the action of the management in denying promotion to the workman Sri.S.Subramanian Typist as Account-Clerk in the 1996 selection is legal and justified and he is not entitled for any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this 14th day of May, 2008.

P.L. NORBERT, Presiding Officer

APPENDIX

Exhibits for the Management :

- M1 - Notice of Job vacancy dated 17-05-1996.
- M2 - Interview result.
- M3 - Report of Promotion Committee regarding selection.

नई दिल्ली, 11 सितम्बर, 2008

का.आ. 2860.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, सी.सी.एल. के प्रबंधकों के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद सं.-I के पंचाट (संदर्भ संख्या 193/1990, 194/1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-09-2008 को प्राप्त हुआ था।

[सं. एल-20012/23/90, 20012/22/90-आई. आर.(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 11th September, 2008

S.O. 2860.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 193/1990, 194/1990) of the Central Government Industrial Tribunal-cum-Labour Court Dhanbad No. I now as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. C.C.L. and their workman, which was received by the Central Government on 11-9-2008.

[No. L-20012/23/90, 20012/22/90-IR (C-I)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD.

PRESENT: Shri H.M. Singh, Presiding Officer

In the matter of industrial dispute under section 10 (1) (d) of the I.D. Act., 1947.

Reference No.193 of 1990

Employers in relation to the management of Dakra Colliery of M/s. C.C.L. and their workmen.

(Ministry's order No.L-20012(23)/90-IR.(Coal-I) dtd.27-8-1990)

Reference No.194 of 1990

Employers in relation to the management of K.D.H. Project of M/s. C.C.L. and their workmen

(Ministry's order No.L-20012(22)/90-IR.(Coal-I) dtd.27-8-1990)

APPEARANCES

On behalf of the workmen : Mr. S. Bose,
Vice-President,
RCMS.

On behalf of the employers : Mr. D.K. Verma,
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the August, 2008.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under section 10(1) (d) of the I.D. Act., 1947 has referred the above mentioned references before this Tribunal for adjudication vide their order referred to above with the following Schedule.

Schedule in Ref.No.193/90

"Whether the action of Central Coalfields Ltd. management of Dakra Colliery retiring S/Shri Raghu Swain, Gourhari Sahu and Sudarsan Dusadh on medical ground before their superannuation and not providing employment to their dependents as per para 9.4.3 of NCWA-III is justified? If not, to what relief these workmen are entitled?"

Schedule in Ref.No.194/90

"Whether the action of Central Coalfields Ltd. management of KDH Project retiring S/Shri Gobind Nahak No. III, Kirtan Pusty, Rajan Jena, Dandashi Behra, Bishwanath Nahak, Sridhar Reddy, Anto Swain, Wagon Loaders and Krishna Pusti, General Mazdoor on Medical ground before their superannuation and not providing employment to their dependents as per para 9.4.3 of NCWA-III is justified? If not, to what relief these workmen are entitled?"

2. As both the cases were heard analogously and as such this Award will be applicable for both the cases.

3. As per W.S. filed by the workmen in Ref.No. 193/90 it has been alleged that the concerned workmen are permanent employees of the management since 1973 in the capacity of breakers and shale pickers at the siding. After implementation of NCWA-III the concerned workmen got medically examined on the basis of para 9.4.3 along with several other workmen by the Special Medical Board, CCL, Ranchi on 22-11-88 at Area Transit Camp, North Karanpura.

PARTIES:

Dakra. By order dated 27-3-89 the concerned workman retired from the service with effect from 27-3-89 and in the same order C.L. of NOWA was issued in which it is stated that the workman who is permanently disabled due to injury or sickness is of permanent nature resulting into loss of capacity should get a benefit as absorbed in first class. The concerned workman submitted their application for employment of his dependants and the same was conducted by the Management at the examination of the Medical Board dated 1-11-88 certifying the nature of their dependency. Thereafter management did not provide employment to the dependents of any of the workmen and also refused to pay pension to the workman as well as the medical expenses incurred under the workman. It is also mentioned that the management did not issue any order for Special Medical Board conducted by the management which would certify the defects of the workman. Medical Board of individual physicians in the conditions of the workman. It has been also stated that management did not issue any letter or notice of termination, refusing to employ the dependents of the workman. In order and the management terminated the service of the concerned workman on 27-3-89 by an order dated 27-3-89 in which it is stated that Dy. C.M. in 1988 Project was not the management authority to send any workman to work in the mine as such the order of termination dated 27-3-89 issued by the said office is null and void and the workman should be treated as continuing in service until such time as the dependents are employed with employer in the place. As a result of the concerned workman in the case as well as union of the workman have taken the matter before the Tribunal for the relief of the workman. The union took up the matter before the Tribunal and the workman who held the position of the workman in the mine ended in fact in the case. This present matter is under adjudication by the Tribunal. It has been asked to pass an Award to confirm the action of the management of Dakra Colliery in terminating the employment of the services S Sridhar, Sridhar, Gourhari Sahu and Sridhar Dusadh and to provide employment to the dependents as per para 9 of the NOWA III is not provided to the dependents of the workman employed in their place. The concerned workman should be paid wages to the dependents and the service and the management should be aware of the cost for this project for the relief.

4. The workman submitted that he is not satisfied that the reference to the Tribunal and the Tribunal and the same is final and binding. It has specifically been submitted that the workman is not satisfied with the decision of the Tribunal. The Tribunal does not consider the Industrial Dispute within the meaning of Section 25 of the ID Act. It has been asked to submit that the dependents of the workman concerned are not entitled to the relief of the Tribunal.

and it has no locus standi to take the cases of so-called dependents of the workman concerned as an Industrial Dispute and to seek any relief. The Dakra Colliery (originally called as Dakra Bukhukani) one of the nationalised collieries under the Coal Mines (Nationalisation) Act, 1973 w.e.f. 1-5-73 and it now forms part of the CCL. The reference order, however, refers to the ID Project but since the present case does not relate to the ID Project, the reference is vitiated and rendered null and void. The management has a system of maintenance of Service Books of its workmen in which on the first page among the other particulars of the employee, the date of birth is also recorded. These entries are made as originally declared by the workmen themselves and the same are fully explained to the workmen concerned and thereafter their signatures or thumb impressions are put on after they accept the same. This is the usual and common system adopted by the management. Thus the entries so entered by the workman concerned by affixing their signatures or L.I.s constitute admissions on the part of the workmen concerned within the meaning of Section 13 of the Evidence Act and they are bound by the same. Further, the workers were legally estopped from taking any other stand. In the case of Raghu Swain, his original date of birth was entered in the Service Sheet Book as 10-10-1927 but this entry was interpolated and the figure 30 was written as 28 by some one apparently in the instance of Shri Raghu Swain. In the application made by Shri Raghu Swain for opening his case before the Special Medical Board, the entry relating to the date of birth was interpolated and it was changed to 10-10-1928. These interpolations have been made manifestly with ulterior motive and to secure unfair advantage from the Management at the instance of Shri Raghu Swain himself as he is the beneficiary of the illegal acts. Similarly in the case of Shri Gourhari Sahu, the entry relating to his date of birth which was originally entered as 3-5-1932 in his Service Sheet Book, was interpolated and changed to 3-5-1934. In this case also the entry in regard to the application of Shri Gourhari Sahu for examining his case by the Special Medical Board, a interpolation has been made by over writing etc. In regard to the date of birth of Shri Gourhari Sahu were the same as in the case of Shri Raghu Swain. So far as Shri Sudarsan Dusadh is concerned, strangely two Service Sheets came into existence in his case. In the first Service Sheet Book the entry relating to the date of birth was recorded as 1-1-30 but in the second Service Sheet Book, his date of birth was shown as 12-6-1936. The Second Service Sheet Book was prepared by the person persons concerned with ulterior motives at the instance of Shri Sudarsan Dusadh himself so that he may secure unfair advantage from the Management. The question of interpolation of entries in the Service Sheets Books of Shri Raghu Swain, Gourhari Sahu and opening of the second Service Sheet Book in the case of Shri Sudarsan Dusadh, changing his date of birth to

12-6-1934, have been investigated by the Management and necessary action is being taken against the employees concerned.

5. In para 9.4.3 of NCWA III there is a provision for employment of one dependent of a worker who is permanently disabled due to disease or injury resulting in loss of employment subject to the same being certified by the Coal Company concerned. The management had issued a circular that for this benefit the workmen who are in the age group of 45 to 55 years would be eligible. Keeping in view the above circular and to give and underserved benefit to the aforesaid three workers the above manipulations, interpolations etc. and opening of a second service sheet in the case of Shri Sudarsan Dusadh were resorted to by the interested persons.

6. As per procedure laid down by the JBCCI the Management has also computerised the data relating inter alia to the date of birth of its workers as entered as in the records of the Management and the computerised data sheets indicate the date of birth of Shri Raghu Swain as 10-10-1930 and of Shri Gourhari Sahu as 3-5-1932. The case of 3 workers referred to above were put up before the Special Medical Board and as per the assessment made by the Medical Board, these three workers were found to be unfit and their employment were accordingly discontinued. They could not, however, be given the benefit of para 9.4.3 of NCWA III as, but for the manipulations, forgery etc. as referred to above, they would not have been eligible for the benefit of being medically examined by the Medical Board and for securing the benefit under para 9.4.3 of NCWA III. It has also been stated that all these cases are vitiated by fraud, dishonesty and other illegal acts committed at the instance of the 3 workers referred to above and therefore there is no question of giving them the benefit under para 9.4.3 of NCWA III. In view of the above facts the concerned workmen have been discontinued from work by the management and the action of the management is justified in not providing employment to the dependent of the concerned workmen. Hence it has been prayed that an Award be passed rejecting the claim of the concerned workmen.

7. The workmenside also filed rejoinder stating the same facts which has been stated in their W.S. It has also been said that it is wrong to say that the concerned workmen has deliberately changed their date of birth and it should be proved by the management and that the action of the management is arbitrary, unjustified and benefit be given to the workmen.

Ref. No. 194/90

8. In the W.S. the workmen stated that they are permanent employees of the management since 1973 in the capacity of wagon Loaders except the last name Shri Krishna Pusti who is a General Mazdoor. After the

implementation of NCWA-III the management got the concerned workmen medically examined on the basis of para 9.4.3 of NCWA-III along with several other who were all examined by Special Medical Board, CCL, Ranchi on 22-11-88 at Area Transit Camp, North Karanpur Dakra. The concerned workmen and others were retired from their respective services with effect from 27-3-89 vide office order dated 26-3-89.

9. In terms of para 9.4.3 of NCWA-III a workman who is permanently disabled due to injury or disease which are of permanent nature resulting into loss of employment should get a dependent absorbed in his place. The concerned workmen submitted their applications before the management for employment of their dependents in place of themselves. Thereafter the management conducted thorough verification and after the examination by the Medical Board on 22-11-88 certified the employment of their dependents. The management by an office order dated 7-3-89 retired the concerned eight workmen w.e.f. 8-3-89 but did not provide employment to the dependents of concerned eight workmen violating the provisions of NCWA-III as well as management's own understanding with the workmen.

10. It has been stated further that the management did not issue any report of the Special Medical Examination conducted on 22-11-88 indicating the defects detected by the Medical Board about the individual physical and mental conditions. Thereafter the concerned workmen were terminated from their services by the management w.e.f. 8-3-89 by an office order dt 7-3-89 without giving any notice to the workmen as per law.

11. It has been alleged that the Dy. C.M.E./Project Officer, KDH Project was not the employing authority in respect of the concerned eight workmen and as such the order of termination dated 7-3-89 issued by the said officer is not valid and the workmen should be treated as continuing in employment till such time as their dependents are not provided with employment in their place. Thereafter the union of the workmen raised industrial dispute before the ALC (C) Ranchi which ultimately resulted reference to this Tribunal for adjudication. It has been prayed on behalf of the workmen to pass Award directing the management to provide employment to the dependents of the workmen in terms of para 9.4.3 and to pay wages to the workmen for the idle period from 8-3-89 till the absorption of their dependents and with further direction to pay the cost of proceeding to the concerned workmen.

12. The employers have submitted their W.S. alleging that the reference is bad in law and not maintainable and the same is liable to be rejected. It has specifically been submitted that the issue raised by the sponsoring Union does not constitute an Industrial Dispute within the meaning of Section 2(K) of the I.D. Act.

13. It has been stated by the management that Gobind Nahak and other workers referred to in the reference order except Shri Arto Swain were previously working in Kujit Area while Shri Arto Swain was working in Kella Area of Central Coalfields Limited. These areas are different from North Karanpura area in which KDH Project falls. Above workers were transferred from to aforesaid collieries to North Karanpura Area KDH Project. Though the original and genuine service sheets of these workers were sent to North Karanpura Area by the Management of the previous collieries where they were working, they were replaced fraudulently by some officials of North Karanpura area and fabricated service sheets were prepared and their age was also reduced in those fabricated/forged service sheets in order to make them eligible for voluntary retirement on medical grounds. Such a scheme was introduced by the management for workers in the age group of 45 to 55 years keeping in view the Provisions of Para 9.4.3 of NCWA-III by constituting a special Medical Board. Therefore, it is crystal clear that since the beneficiaries of the fabricated and forged service sheets of the workmen concerned themselves they were a party to the fraud committed by the officials concerned in the present case and it is well settled that no person can be allowed to take advantage of his own fraud as the dishonesty or other illegal acts committed by him or at his instance. It has been further stated by the management that the investigations were made into the whole affair and initiated departmental action against the officials concerned and ultimately they were punished. So far as the eight workers referred to in the order of reference is concerned, since they were declared medically unfit for their employment was naturally discontinued. A Statement showing the correct date of birth as recorded in the original records of the Management relating to the eight workers, the date of birth reflected in the forged documents service sheets and the date from which their employment was discontinued is incorporated in Annexure 'C'. It has been submitted by the management that since the eight workers concerned were found medically unfit by the Medical Board of the Management and it was the case of the workmen themselves that they should be subjected to medical examination because of their being medically unfit, the Management was perfectly entitled to retire them from service and there was absolutely no question of allowing them to continue in service till the age of their superannuation i.e. 60 years when they were unable to work and cannot render any services to the Management. It has been further submitted that in the light of the facts and circumstances of the case and the fraudulent, dishonest and illegal acts which came to the notice with regard to the claims of the eight workers in connection with efforts to get themselves medically examined and for securing employment to their dependants, there is also no question of the management providing employment to their dependants. In course of proceedings, the employers submitted that neither the workmen concerned

nor their dependants are entitled to any relief whatsoever quite apart from the reference order itself being vitiated and rendered illegal as per the preliminary and legal objections of the Management as referred to above. The employers accordingly have prayed that this Tribunal may be pleased to give an award rejecting the claim of the workmen.

14. The workmanside also filed rejoinder stating that the contents of paras 13, 14, 15, 16, 17 and 18 of the W.S. of the management are not admitted by them being and attempt to bypass the real issue and to create confusion since the workmen concerned had simply applied for employment of their respective dependants according to the terms and conditions laid down in NCWA-III and the management cannot dissolve their responsibility in violation of the provisions of the NCWA-III. The contents of paragraph (19) of the statement have not been admitted by the workmen to the extent that employees should have been given to the dependants of the concerned workmen who were found medically unfit according to paragraph 9.4.3. of NCWA-III and it is not open for the management to bypass their obligation. It has been submitted that the action of the management is arbitrary, unjustified and benefit be given to the workmen.

15. On behalf of the workmen WW-1 has been produced. On behalf of the management MW-1 Ramnath Singh has been examined who has proved Ext.M-1 and M-1/2. Management also examined M-2 who has also proved M-1 and M-1/2 and also Ext.M-2 to M-14.

16. Main question which has to be decided by this Tribunal is whether management has complied with clause 9.4.3 of NCWA-III by giving one dependent employment of permanent disabled employee. Clause 9.4.3. of NCWA-III in this respect speaks as follows:-

Clause 9.4.3

Employment to one dependant of a worker who is permanently disabled in this plant:

- (i) The disablement of the worker concerned should arise from injury or disease, be of a permanent nature resulting into loss of employment and it should be so certified by the Coal Company concerned.
- (ii) The dependent to be considered for employment should be physically fit and suitable for employment and aged below 35 years provided that the age limit shall not apply in the case of spouse.

It shows therefore that the concerned workmen must have been permanent employees and ceased to be employed on the ground of disablement due to injury or disease which is of permanent nature resulting loss of employment. In the present case there is no medical certificate which shows

that the concerned workmen have been retired due to injury or disablement on permanent nature and become disabled because of this fact. So far as per clause 9.4.3 of NCWA-III the concerned workmen have not been retired on the ground of disablement arising from injury or disease of a permanent nature resulting into loss of employment. Moreover, as per document filled by the management shows the date of birth has been interpolated and manipulated to derive benefit of clause 9.4.3 of NCWA-III. As per Ext. M-1 the date of birth of Raghu Swain has been altered from 10-10-30 to 10-10-1938. Also in the case of Gaur Hari Sahu his date of birth has been altered from 3-5-1932 to 3-5-1934 and in the case of Sudarsan Dusadh date of birth has also been manipulated and altered. As per Ext. M-2/1 the date of birth of Sudarsan Dusadh 18-9-1928, Krishna Prosti as per Ext. M-2/2 16-1-1943. Biswanath Nahak as per Ext. M-2/3 3-2-1948 has been altered and manipulated. Ld. Counsel for the workman has argued that because of the fact that these documents were in the custody of the management so it is the responsibility of the management to preserve them in tact and in safe custody but the argument of the Ld. Counsel for the workman deems to be not fair because without consent and convincing of the workmen their date of birth cannot be altered to get the benefit of workmen and also as per Ext. M-13 the age of Raghu Sai is recorded as 42 years at the time of employment. WW-1 Devendra Kumar Singh has stated in his cross-examination that "I have left the service out of my own sweet will". He also stated that he does not know if the service records and Form B Register remain under the custody of the staff of personnel department when he has stated that he has retired from service on his sweetwill it shows that wrong facts have been stated in the W.S. that on the initiative of the management he got medically examined for employment of his son as per NCWA-III.

17. Management also filed photo copy of the Form B Register which shows that some of the workmen have been transferred to another colliery. The date of birth of Gobind Nahk No II has been manipulated and also and date of birth of Raju Jana has been mentioned as 53 years. It also shows that he was above 55 years at the time of his medical examined before the Medical Board. The workman Orato Swain at Sl.No.1275 shows his age as 54 years. It also shows that he becomes more than 55 years at the time of his medical examination before the Medical Board. It shows that the concerned workmen have got medically examined and found medically unfit not on the ground of injury or disablement of permanent nature. It has also been put that the concerned workmen were within the range of 45 to 55 years of age and on that basis management may provide employment to their dependants.

18. It therefore shows that the concerned workmen have failed to fulfill the conditions as mentioned in clause 9.4.3 of NCWA-III. The statement made by the concerned workmen in their W.S. shows that they have manipulated

dated of birth to get the benefit of clause 9.4.3 of NCWA-III for getting employment of dependants. In the result, the following Award is rendered:-

"The action of the management in both the Reference Cases in retiring the workmen as mentioned in the schedule to the order of reference on Medical Ground before their superannuation and not providing employment to their dependants as per Para 9.4.3 of NCWA-III is justified. Consequently, they are not entitled to get any relief."

H.M. SINGH, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2008

का.आ. 2861.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. सी.सी. लि. के प्रबंधक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद, संख्या - 1 के पंचाट (संदर्भ संख्या 107/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-2008 को प्राप्त हुआ था।

[सं. एल-20012/270/89-आईआर (सी-1)]

स्नेह लता जावास, डेस्क अधिकारी

New Delhi, the 11th September, 2008

S.O. 2861.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 107/90) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No.1 now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. C.C. Ltd. and their workman, which was received by the Central Government on 11-9-2008.

[No. L-20012/270/89-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of a reference Under Section 10 (1) (d) (2A) of the Industrial Disputes Act, 1947

Reference No. 107 of 1990

Parties : Employers in relation to the management of
Jharkhand Colliery of M/s. C.C. Ltd.

AND

Their Workmen

PRESENT : Shri H.M. Singh : Presiding Officer

Appearances :

For the Employers : Shri D.K. Verma, Advocate

For the Workmen : Shri B.B. Pandey, Advocate

State : Jharkhand. Industry : Coal

Dated, the 26th August, 2008

AWARD

By Order No. L-20012/270/89-I.R. (Coal-I) dated 2-5-1990 the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Jharkhand Colliery of C.C. Ltd., P.O. Jharkhand, Dist. Hazaribagh by not regularising and not making payment of difference of wages of S/Shri (1) Shyam Lal Kurmi, (2) Jawahar Singh, (3) Ful Mohammad, (4) Panchanand Mahto, (5) Sadique Ansari and (6) Ishaque Mian is justified? If not, to what relief the workman concerned are entitled?”

2. The concerned workman have filed written statement and they have stated that Shyam Lal Kurmi has been working in the colliery as fitter from 1982. He operates the lathe and drill machines installed in the workshop. The machinists/fitters deployed in the workshop get Category-V or Category-VI wages. The concerned workman is getting only Category-I wages. The management attempted to make out a case before the conciliation officer that the concerned workman, Shyam Lal Kurmi is working as Mazdoor in the workshop with the fitters. It has been submitted that there is no requirement of engaging fitter mazdoor to accompany the fitter and to carry on tools and materials of the fitters for carrying work at different places. In the workshop, the lathe, drill and shaping machines are permanently fixed and adjustments of the machines are done by the machinists/fitters in the course of carrying on different works. The persons deployed to help the workshop machinists/fitters are helpers and not mazdoors. As per the stand taken by the management, the concerned workman Shyam Lal Kurmi is working as helper in the workshop, though the workmen deployed in the workshop get one category higher than that given to their counterpart working in mines. The mine fitter gets minimum Category-IV, whereas a workshop fitter gets minimum Category-V. A helper deployed with a mine fitter gets minimum Category-II and a helper deployed in workshop with machinists and fitters is entitled to minimum Category-III. Even if the case of the management is accepted as correct, the concerned workman is entitled to difference of wages between Category-III and Category-I w.e.f. 1-1-82. The concerned workman, Shyam Lal Kurmi was sent to the Central Excavation Training Institute at Barkakana. He took training from 16-11-88 to 16-1-89 and learnt complicated job with precision and after completion of training he is performing machining job in the workshop on lathe and drill machines with high efficiency and precision. He is entitled to be regularised in Category-VI w.e.f. 1-2-1989 and entitled to difference of wages between Category-VI and Category-I from 1-2-1989. He is also entitled to be

regularised as workshop machinist in Category-V w.e.f. 1982 and as workshop machinist in Category-VI w.e.f. 1-2-89. The concerned workman has been incorrectly designated as mazdoor and is being paid Category-I wages illegally and arbitrarily. The concerned workman is entitled to difference of wages between Category-V and Category-I w.e.f. 1-1-82 and between Category-VI and Category-I w.e.f. 1-2-89.

The concerned workman, Ful Mohammed is working in Excavation cadre being deployed in the Open cast w.e.f. 1-1-1982. The Excavation workers like operators, fitters and helpers are fixed in Excavation Categories E to A and Special. They are not fixed in Category-I to VI prescribed for time-rated workers. The management's stand before the conciliation office was that the concerned workmen are working as mazdoor with the fitters at different sections of the Excavations. It is submitted that the fitters deployed in the Excavations are in Excavation categories. The mazdoor helpers working with Excavation fitters are entitled to Excavation Category 'E' which is the minimum prescribed for the Excavation workers. According to the case of the management the concerned workmen are entitled to difference of wages between Excavation Category 'E' and time rated Category-I w.e.f. 1-1-1982. It has been submitted that the concerned workman are working as fitters in Excavation sections of opencast working and they are entitled to Excavation Category 'D' or 'C' w.e.f. 1-1-1982. The concerned workmen are entitled to be regularised as Excavation fitters in Excavation Category 'D' and difference of wages between Excavation category 'D' and Category-I w.e.f. 1-1-1982 and the action of the management in treating the concerned workmen as Mazdoor and paying them time rated Category-I wages is illegal, arbitrary and amounts to unfair labour practice. It has been prayed by the workmen to pass an award directing the management to regularise Shyam Lal Kurmi as workshop machinist in Category -VI and offers Ex-fitters in Excavation Category 'D' giving continuity in their respective categories w.e.f. 1-1-1982 and also for making payment of difference of wages w.e.f. 1-1-1982.

3. The management have filed their written statement alleging that the preliminary and legal objection that the reference is bad in law and not maintainable. It has been alleged that the reference order suffers from the vice of vagueness and total non-application of mind by the appropriate Government. It has been submitted that Jharkhand Colliery has a Workshop in which machinery and equipment of the management are repaired. It has adequate number of fitters, machanics and other technical and skilled workers and semiskilled workers for the purpose of carrying out all the jobs executed in the said workshop at all relevant times. It has highly skilled, skilled and semi-skilled workers and the concerned workmen have not been employed and called upon to perform any job of higher post than the post held by them. Jharkhand Colliery has

heavy earth moving machinery working in the quarry such as, shovels, dumpers, dozers etc. Shyam Lal Kurmi was previously a piece rated worker and on his request he was assigned to do the work of a Mazdoor Category-I and later he was placed in the post of discellaneous mazdoor in Category-II w.e.f. 8-9-90 and he has been performing the job of miscellaneous mazdoor and he is attached to Turner. There is only one lathe machine in the Workshop and there are two turners already working in the Workshop. There is no requirement for any more Turners. The volume of work of turner is also very much limited. Ful Mohammed was also a piece rated worker before and on his request he was assigned to do the work of Mazdoor in Category-I and later he was placed in the post of Misc. Mazdoor in Category-II w.e.f. 8-9-90 and he is attached with Fitter. The reference order does not state as to in what post the union demands these workers to be regularised and with reference to what post it claims payment of difference of wages. It does not also indicate the period or dates from which any action was required to be taken by the management. The present dispute has arisen as a result of some misrepresentations made by the Union concerned with ulterior motive and mala fide intentions. It has been alleged that the concerned workman, Shyam Lal Kurmi is not entitled to Category-VI w.e.f. 1-2-89 as Workshop Machinist and Ful Mohammed is not entitled to Category 'D' w.e.f. 1-1-82. Hence, it is prayed that an award be passed holding that the concerned workman are not entitled to any relief.

The works has produced the application moved on behalf of the workman that they are interested for the case of two workmen, namely, Shyam Lal Kurmi, appearing at serial No. 1 of the schedule and Ful Mohammad, appearing at serial No. 3 of the said schedule because others have been promoted by the management.

4. The management has produced witness, MW-1-P.K. Tapadar and he has proved Exts. M-1 and M-2.

The workmen have produced WW-1- Shyam Lal Kurmi and he has proved Exts. W-1 to W-8.

5. As per paper filed by the workmen Ext. W-2 Shyam Lal Kurmi has been given training of Lathe machine from 16-11-88 to 16-1-89 for two months and as per Ext. W-1 he has been given order for training of lathe machine, as per Ext. W-3 he is authorised by the Project Engineer vide Office Order No. Ref: P.E(XY)HK/Authorisation-3/94/913 dated 26-12-94 to work on lathe machine as and when required and as per Ext. W-4 he is authorised to work as a E.P. Turner for 15 days and as per Ext. W-5 he has been authorised to work as a E.P. Turner. As per Exts. W-6 Ful Mohammed has been given for repair and maintenance of Engine Section, Pay loader and washing of workshop equipment, as per Ext. W-7 he has been ordered by the Project Engineer on 16-3-2000 to make arrangement 8 Nos. of nut for coupling bolt of shovel and Ext. W-7/1 is for repairing bolt of shovel with lathe machine dt. 6-4-2000. As

per Ext. W-7/3 dated 9-8-2000 he has been ordered for steering hose pipe thread make of shovel 436, as per Ext. W-7/4 to repair lathe machine on 26-8-2000 and as per Ext. W-7/5 on 3-11-2000 for making 8 nos. of pin of Track Pad, as per Ext. W-7/6 dated 16-11-2000 addressed to Shyam Lal Kurmi to make 2 nos. new grease adaptor of shovel 436 and as per Ext. W-7/7 dated 29-11-2000 to make Tie rod of Bolt L. V. Ring. These documents show that the management has taken the work from Shyam Lal Kurmi as Mechanic-cum-Fitter an Turner.

6. The management's witness MW-1 admitted that the workmen were working as helper in Excavation Section, and initial appointment is made there on Category-I and Category-II and thereafter grade starts from Category 'D'.

7. As per WW-1, Shyam Lal Kurmi, it has been stated in cross-examination that Ful Mohammed has not got training. It shows that Ful Mohammed has been promoted from Category-I to Category-II and in this respect he is not entitled for any promotion in Grade 'D' or 'E'. But as regards Shyam Lal Kurmi he has been given training and also worked as per Exts. W-3 to W-7/7. The management has promoted number of persons as per Ext. M-1. Shyam Lal Kurmi has been promoted to Grade 'D' at serial no.42 and Ful Mohammed has been regularised in Category-II w.e.f. 8-9-90 as per Ext. M-2 and Shyam Lal Kurmi has been given Misc. Mazdoor Category-I from 8-9-90 and also given the job of turning on lathe machine. But as per documents filed by the workmen issued by the management show that Shyam Lal Kurmi is performing the job of mechanic-cum-fitter and turner work and he has not been promoted and given his Category as per rules.

8. In the facts and circumstances stated above, the award is made.

The action of the management of Jharkhand Colliery of C.C.Ltd. in not regularising and not making payment of difference of wages of Shyam Lal Kurmi is not justified. Accordingly, the concerned workman, Shyam Lal Kurmi is entitled to be regularised as Category-VI w.e.f. 1-1-82 and difference of wages between Category-V and Category-I w.e.f. 1-1-1982 and difference of wages between Category-V and Category-I w.e.f. 1-2-1989. As regards Ful Mohammed he is not entitled to any relief. Accordingly, the management is directed to implement the award within one month from the date of publication of the award.

H. M. SINGH, Presiding Officer.

नई दिल्ली, 11 सितम्बर, 2008

का.आ. 2862.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार से, टिस्को 6 और 7 पिटस कोलियरी के प्रबंधकों के संवाद नियोजकों और उनके कर्मचारियों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

written statement is false and incorrect. The management has adopted the pick and choose policy in connivance with the recognised union and has neglected the genuine claim of the concerned workman.

4. The written statement has been submitted on behalf of the management and it has been stated that there is no employer-employee relationship exists between the management and the concerned person, Ashok Kumar, so no industrial dispute can be raised for employment of Ashok Kumar. The sponsoring union, Jharkhand Colliery Mazdoor Union has not been recognised by the management and the workmen of the colliery have not become members of the said union. Ganesh Prasad during his service period was a member of the recognised union, Rashtriya Colliery Mazdoor Sangh and he had informed the management that he was a member of the R.C.M.S. Therefore, the sponsoring union has no locus standi to take up any case of late Ganesh Prasad as he was never a member of the sponsoring union. As Ashok Kumar is not a workman of the company he cannot become the member of any union and no union has any right to raise any industrial dispute on his behalf. The present dispute is not arising out of any industrial dispute and the reference is liable to be rejected on this ground. Ganesh Prasad, the father of the concerned person, Ashok Kumar was employed as Fitter-cum-Operator at Jamadaha colliery on 1-11-77 and he was subsequently transferred to 6 & 7 Pits colliery and he died on 23-10-93 and he put a total period of 15 years 11 months and 22 days service under the company. As per the procedure for employment of dependents of the employees of the company a workman is required to get two of his dependants enrolled in the Employees Dependents Register after putting 15 years of service and in case of future vacancies the dependent of the employee is provided employment according to his seniority. It has been submitted that Ganesh Prasad did not get any of his dependents enrolled in the in the Employees Dependents Register after completion of 15 years of service and he died on 23-10-93. As per the strict procedure no dependent of an employee can be provided employment unless his name is registered in the Employees Dependents Register during the tenure of service of a workman. It has been alleged for providing employment to the dependent, the Company employment procedure is followed in preference to NCWAs. It is submitted that employment of dependents is given according to existence of vacancies to fill up vacant post. As the management is required to provide employment to dependents of each and every employee as per its procedure, the demand for employment is ever increasing and several dependents remain on waiting list for their appointment in terms according to seniority. Therefore immediately after completion of 15 years of service the dependent of an employee cannot get his chance for his employment and is to wait on the roll till his vacancy arises for his employment. It has been alleged

that Ashok Kumar may submit his mercy petition and his name may be enrolled if the joint decision can be made by the management and the recognised union, RCMS as a special case and his case may be considered for his employment against future vacancies alongwith other eligible candidates. It is submitted that the conciliation proceeding was initiated and the management representative tried to consider the case of Ashok Kumar for his enrolment in the Employees Dependents Register after putting his case before the joint committee. The sponsoring union did not agree for the advice of the management and demanded for outright employment of Ashok Kumar for which he was not entitled for and ultimately the conciliation failed.

It has been prayed that an award may be passed holding that Ashok Kumar is not entitled to any relief.

5. The management has adduced MW-1- Sudhir Prasad Sinha as management's witness.

The concerned workman has produced WW-1 Ashok Kumar and he proved Exts.W-4, W4/1, W-3 and W-3/1.

6. The main argument on behalf of the management is that the name of Ashok Kumar has not been mentioned by his father in the Employees Dependents Register. In this respect the learned counsel for the workman argued that he had given his application for employment of his son, Ashok Kumar for registering in the Employees Dependents Register as per Ext.W-3 which has been proved by Ashok Kumar, WW-1. The concerned workman's late father failed application for registering the name of his son Ashok Kumar for employment. It is upto the management who registers it or not. The management has not produced its register of Dependent Employment so that it can be gathered that the register has been properly maintained or not. In this respect MW-1 stated in his cross-examination that he has not filed any paper to show the number of dependents waiting for employment. It only shows that the management always hide and seek the Employees Dependent Register, so that it can discourage of any merit as per document and admission of the management. Late Ganesh Prasad had completed 15 years of his service and died due to T.B. as per Ext.W-1. It has been admitted that Ashok Kumar's father died after putting 15 years of services and died due to T.B. and it was agreed by the management before A.L.C. (C) on 25-3-96 that employment be given to Ashok Kumar, but it has not been done so. Moreover, in the written statement it has been admitted by the management in para 12 that the concerned person may submit his mercy petition and his name may be enrolled if the joint decision can be made by the management and the recognised union, RCMS as a special case and his case may be considered for his employment against future vacancies alongwith other eligible candidates. It shows that the concerned workman's late father gave application

for registering the name of his son in the Employees Dependent Register and he died due to T.B. after putting 15 years of service and the management had considered and assured for his employment as per para 12 of the written statement and Ext. W-2 conciliation proceeding before A.L.C. (C), but it has not been by the management best reason known to them.

7. It is very surprising and harmful circumstances and callous attitude taken by the management that a workman who had put 15 years of service and as per rules the dependent can get employment and the workman died due to T.B. and the employment is not given to his son on this ground or another ground. That is not wiseable attitude adopted by the management.

8. The learned counsel of the management argued that the Jharkhand Colliery Mazdoor Union is not existing and it is not working in TISCO. This is no ground of rejection of employment of Ashok Kumar that such union is not existing of which his father was a member. Another ground of the management is that there is no provision for employment in case of death, but in para 12 of the written statement of management it has been stated that there is provision for employment of dependent and they maintain Employees Dependents Register for giving employment to the permanent workmen of the company who has put 15 years of service.

9. The management has filed a copy of award in Reference No. 88 of 1984 regarding employment on the ground of disabled permanently in terms of para 9.4.3 of NCWA-III which does not apply in the present case and has got no relevancy.

10. The learned counsel for the workman referred F.L.R. 1922 (64) page 990 in which Hon'ble Allahabad High Court held that the appointment of an incumbent for compassionate reason in the light of recent laws as well Government Orders gets the top priority. At present it has come to the extent of creation of new post. The counsel also referred a judgement reported in 1999 (83) FLR 29 on which Hon'ble Delhi High Court laid down that Section 2 (k) and 10 of Industrial Disputes Act, 1947 Industrial Disputes—Even a dispute between an employer and his workman—which is connected with the non-employment of any person—can be an industrial dispute—Beneficiary of claim need not be a workman of the employer. Entitlement to be appointed on compassionate grounds—An industrial dispute—can be referred for adjudication.

11. Accordingly, I render the following award—The action of the management of M/s. TISCO in denial to provide employment to Ashok Kumar son of late Ganesh Prasad is not justified. Hence, the management is directed to provide employment to Ashok Kumar, dependent son of late Ganesh Prasad, within two months from the date of publication of the award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2008

क्र.आ. 2863.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वै. कमबाटा एविएशन प्रा. लि. के प्रबंधतांत्र के संबद्ध निषोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, सं. 2, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-2/31/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-2008 को प्राप्त हुआ था।

[सं. एल-11012/49/2007-आई आर(सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 11th September, 2008

S.O. 2863.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/31/2007) of the Central Government Industrial Tribunal-cum-Labour Court, 2 Mumbai- now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Combata Aviation Pvt. Ltd. and their workman, which was received by the Central Government on 11-9-2008.

[No. L-11012/49/2007-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

A. A. LAD, Presiding Officer

Reference No. CGIT-2/31 of 2007

Employers in Relation to the Management of Combata Aviation Pvt. Ltd.

Combata Aviation Pvt. Ltd.
Hangar No. 3, Juhu Aerodrome
Mumbai-400 054.

AND

Their Workmen

Mr. Manoj Anant Tawde
10, Krishna Bai Chawl
Tawri Pada
Dr. S. S. Rao Road
Mumbai-400 012.

APPEARANCES

For the Employer : No appearance.

For the Workmen : No appearance.

Mumbai, dated 25th July, 2008.

AWARD

The Government of India, Ministry of Labour by its Order No. L-11012/49/2007-IR (CM-I) dated 12-7-2007 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of M/s. Combata Aviation Pvt. Ltd., Mumbai in dismissing the services of Shri Manoj Anant Tawde, Assistant Supervisor w.e.f. 31-1-2007 is justified and legal? If not, to what relief is the concerned workman entitled and from which date?”

2. Though notices served on both vide Ex-3 & Ex-4, none appeared in the proceeding. So reference is disposed of for want of prosecution. Hence the order:

ORDER

Reference is disposed of
for want of prosecution.

Date: 25-7-2008

A. A. LAD, Presiding Officer

नई दिल्ली, 11 सितम्बर, 2008

क्र.आ. 2864.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, कम्बटा एविएशन प्रा. लि. के प्रबंधन के संबद्ध नियोक्तों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय मुम्बई -2 के पंचाट (संदर्भ संख्या सी जी आई टी-2/32/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-9-2008 को प्राप्त हुआ था।

[सं. एल-11012/50/2007-आईआर (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 11th September, 2008

S.O. 2864.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/32/2007) of the Central Government Industrial Tribunal/cum/Labour Court, Mumbai-2 now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Combata Aviation Pvt. Ltd. and their workmen, which was received by the Central Government on 11-9-2008.

[No. L-11012/50/2007-IR (C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI**

PRESENT

A.A.LAD, Presiding Officer

Reference No. CGIT-2/32 of 2007

Employers in Relation to the Management of Combata Aviation Pvt. Ltd.

Combata Aviation Pvt. Ltd.
Hangar No. 3, Juhu Aerodrome
Mumbai-400 054.

AND**Their Workmen**

Mr. Girish Shrikant Kulkarni,
1-A/8, G.B.G.J. Co-operative Housing,
Saibaba Nagar,
Boriuli (W),
Mumbai-400 092.

APPEARANCES

For the Employer : No appearance

For the Workmen : No appearance

Mumbai, dated 25th July, 2008

AWARD

The Government of India, Ministry of Labour by its Order No. L-11012/50/2007-IR (CM-I) dated 12-7-2007 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of M/s. Combata Aviation Pvt. Ltd., Mumbai in dismissing the services of Shri Girish Shrikant Kulkarni, Assistant Supervisor w.e.f. 31-1-2007 is justified and legal? If not, to what relief is the concerned workman entitled and from which date?”

2. Though notices served on both vide Ex-3 & Ex-4, none appeared in the proceeding. So reference is disposed of for want of prosecution. Hence the order:

ORDER

Reference is disposed of
for want of prosecution.

Date: 25-7-2008

A. A. LAD, Presiding Officer

Passed on this 14 day of August, 2008

1. Complainant, S. K. Chatterjee has filed this complaint under Sec-33 of the Industrial Disputes Act, 1947. The brief facts of the complaint are as under. That the reference No. CGYT-LC/R 247 of 1997 is pending between him and the management of Dena Bank. It is pending for adjudication in this Tribunal. Meanwhile he is promoted from award staff

to officer cadre JMG-1 in 2002 on qualifying the written promotion test. Thereafter he was awarded punishment of dismissal from the Bank Service with immediate effect without notice vide order of Chief Manager/Disciplinary Authority, Dena Bank, Regional Office, Bhopal bearing No. ROB/Per/1078/2006 dated 30-8-06. The dismissal order was issued by the Chief Manager who is subordinate to the appointing authority in clear violation of Article 311 (1) of Constitution of India. He was not allowed by the Enquiry Officer to cross examine the management's witness on the relevant points. That there are discrepancies of facts in the documents submitted by the Hotel Manager and Investigating Officer. That prejudice has been caused to the complainant as sub-rule-17 of Regulation 6 of Officer Employees (Discipline and Appeal) Regulations, 1976 was not followed. It is prayed to decide the complaint set out above and pass such orders as the court deems fit and proper.

2. The non-applicant/management of Dena Bank has filed reply to the aforesaid complaint. The facts of reply in brief are as follows: That the complainant has filed the present complaint alleging that the non-applicant is guilty of contravention of provisions of Sec. 33 of the I.D. Act, 1947. That the complainant is not a workman as defined under Sec. 2(s) of the I.D. Act, 1947. The complainant was holding the post of "Officer" during the period, the disciplinary action was initiated against him. The service conditions of the complainant was covered by the Dena Bank Officers Employees (Discipline & Appeal) Regulation, 1976, hence the complaint is not maintainable. The complainant is misconceived, frivolous and vexatious. Sec-33 of the I.D. Act, 1947 is not at all applicable in the present case and, hence, the same is liable to be dismissed. That the complainant was initially appointed as cashier-cum-clerk in the year 1978. His probationary services were terminated w.e.f. 26-9-1978 on the ground of several irregularities committed by him. That he was re-appointed on the ground of mercy w.e.f. 29-11-1978. That the complainant was issued a chargesheet on 21-12-1982. That Enquiry Officer submitted his report on 31-5-1984 holding the complainant guilty of charges. The complainant was, therefore, imposed punishment of warning of stoppage of increment. The aforesaid order was modified by Appellate Authority vide order dated 18-1-1985. That the complainant was again issued with a chargesheet dated 20-9-1985. The Enquiry Officer vide his report held the complainant guilty of charges. The complainant was again issued with a chargesheet dated 11-10-85. The Enquiry Officer held him guilty vide his Enquiry Report. The complainant was, therefore, awarded punishment of stoppage of two increments with cumulative effect. Apart from the above, the complainant was issued with several warning letters, memo and charge-sheets. As per promotion Rules, the person who has been punished for such gross misconduct is debarred from appearing in promotion process. And therefore, the complainant was debarred for promotion for a period of 3 years. The complainant has challenged the aforesaid order by raising Industrial Dispute which is pending in this Tribunal-cum-Labour Court No. CGIT/LC/R/247/97. The schedule of reference is as follows:—

"SCHEDULE"

"Whether the action of the management of Dena Bank in debarring Shri S.K. Gaur from appearing in promotion test and stoppage of two increments with cumulative effect and one increment with non-cumulative effect is legal and justified? If not, to what relief the said workman is entitled to?"

Pending the aforesaid reference, the complainant was issued chargesheet vide Memorandum No. ROB/PER/1616/05 dated 26-11-2005. Shri S.K. Gaur did not submit any explanation to the said chargesheet. A departmental enquiry was therefore, conducted against the complainant as per rules legally and properly. The Enquiry Officer submitted the enquiry report holding that the following charges have been proved against the complainant:—

(i) Failed to maintain utmost devotion, diligence and honesty while discharging his duty to take requisite steps to protect the interest of the Bank.

(ii) Committed fraud on the Bank by claiming HA/TA claim submitting fake and fabricated Hotel Bills.

(iii) Lack of honesty and integrity.

(iv) Doing acts unbecoming of an officer employee.

The copy of Enquiry Officer's findings dated 26-5-06 had been sent to Shri S.K. Gaur who submitted his submission vide letter dated 2-7-2006. The Disciplinary Authority concurred with the findings of the Enquiry Officer that all the articles of charges levelled against Shri S.K. Gaur were proved. Therefore, in exercise of powers conferred upon Disciplinary Authority in terms of Regulation 7 (3) of Dena Bank Officer Employees' (Disciplinary & Appeal) Regulation, 1976 imposed the following penalty on Shri S.K. Gaur:—

"Dismissal from Bank's service with immediate effect without notice."

The following has been pleaded on behalf of the non-applicant/management. That it is not correct that Chief Manager is incompetent to impose punishment of Dismissal as he is below the rank of Appointing Authority. However, the amendment to Schedule and Regulation 18 of Dena Bank Officer Employees (Discipline & Appeal) Regulation 1976 was adopted by the Board as its meeting held on 10-3-04 and the above amendment has been published in Gazette of Government of India No. 23, dated 5-6-04. The complainant Shri S.K. Gaur was provided full opportunity to adduce evidence in enquiry in his defence as well as full opportunity to defend his case. That the grounds for dismissal of services of complainant has no relationship with the dispute vide reference case No. CGIT/LC/R/247/97 pending before this tribunal. On this ground, the provisions of Sec. 33 are not attracted and, therefore, the application under Sec. 33 of the I.D. Act is not maintainable. It is prayed by Non-applicant/management that the complaint be dismissed.

3. Complainant Shri S.K. Gaur in support of his complaint examined himself. The non-applicant in order to defend the complaint examined their witness Shri R.D. Negi, then working as Manager (Personnel), Dena Bank, Regional Office, Bhopal.

4. Non-applicants also filed the Photostat copies of memo alleged to be issued to the complainant Shri S.K. Gaur, articles of charges, statement of allegations and amendment of Schedule and Regulation-18 of Dena Bank Officer's Employees (Discipline and Appeal) Regulation 1976-Review. No document has been filed on behalf of the complainant.

5. I have heard Sardar Harvinder Singh, Advocate for the complainant and Shri A.K. Shashi, Advocate for the non-applicant.

6. I have very carefully gone through the entire evidence on record.

7. In para 4 of the complaint, the complainant has made averment that his dismissal order was issued by the Chief Manager who is subordinate to the Appointing Authority in clear violation of article 311 (1) of the Constitution of India. The same has been submitted by the learned counsel for the complainant during the course of argument. It has been pleaded in the reply that it is not correct that the Chief Manager is incompetent to impose punishment of dismissal as he is below the rank of Appointing Authority. That the amendment to Schedule and Regulation-18 of Dena Bank Officer's Employees (Discipline and Appeal) Regulation, 1976 was adopted by the Board at its meeting held on 10th March-04 and the above amendment has been published in Gazette of India at No. 23 dated 5-6-04. That by virtue of the said amendment the Chief Manager posted in the Regional Office is the Disciplinary Authority to take action against Officers in pay scale of JMG Scale-I, MMG Scale-II & III, as such the Competent Authority has imposed punishment on the complainant. The learned counsel for the non-applicant has also submitted the same during the course of argument. It has been admitted to the complainant that he was promoted from award staff to Officer Cadre, JMG-I in 2002. The non-applicant has filed Photostat copy of circular No. 132/19/2004, Personnel Department dated 16-7-04, the amendment aforesaid. It clearly reveals that the Chief Manager posted in the Regional Office is Disciplinary Authority to take action against officers in pay scale of JMG Scale-I, MMG Scale-II & III. It is, therefore, concluded that the Chief Manager was competent to impose the punishment of dismissal on the complainant from the Bank services.

8. The learned counsel for the complainant submitted that the complainant's reference No. CGIT-LC R 247 97 against the non-applicant is pending before this Tribunal, during the pendency whereof the complainant has been dismissed with immediate effect without notice vide order dated 30-8-06 without obtaining approval of this Tribunal in contravention of provisions of Sec. 33(2)(b) of the I.D. Act, hence the disciplinary action taken against the complainant is without jurisdiction and is, therefore, liable to be set aside. It is admitted to the non-applicant that the

aforesaid reference of the complainant against the non-applicant is pending for adjudication in this Tribunal. The learned counsel for non-applicant submitted that the provisions of I.D. Act are not applicable in this case as the complainant is not a "workman" as defined under Sec. 2(s) of the I.D. Act and therefore this Tribunal has no jurisdiction to hear this matter. Against the above, the learned counsel for complainant submitted that during the period, the Disciplinary action was initiated, complainant was the "workman" as defined under Sec. 2(s) of the I.D. Act and this Tribunal-Cum-Labour Court has jurisdiction to decide this complaint. He further added placing reliance on 1996(1) All India Banking Law Judgments 137 in the case of Bank of India versus Presiding Officer, Central Government Industrial Tribunal and others of the hon'ble Punjab and Haryana High Court that the onus is on the Bank to establish that the complainant was not a workman as he was performing the managerial duties. That mere nomenclature of a post is not enough for the purpose of proving that a particular person falls within the definition of "workman". Non-applicant's witness Shri R.D. Negi in his affidavit deposed that complainant Shri S.K. Gaur is not a workman as defined under Sec. 2(s) of the I.D. Act. During the course of evidence of cross-examination, this witness stated that complainant Shri S. K. Gaur's work was supervisory in nature, such as to sign DD. Pass cheques, authorize miscellaneous vouchers, authorize ledger posting and his job was of administrative capacity. The witness further stated that power of attorney was given to complainant Shri S.K. Gaur. It is worthwhile to note here that no copy of the alleged power of attorney has been brought on record by the non-applicant. Against the above, complainant Shri S.K. Gaur deposed in his affidavit that he is a workman as defined in Sec. 2(s) of the I.D. Act as he was performing the work of clerical, manual and technical nature. This witness has not been cross-examined on behalf of non-applicant on the point as to what was his actual nature of work. The complainant was working as Officer, JMG Cadre-1. The non-applicant has not adduced any documentary evidence to indicate that the complainant was doing managerial duty. I have very carefully gone through the law cited by the learned counsel for the complainant 1996(1) All India Bank Law Judgments 137 (supra). The following has been held therein :—

"We have also considered the main argument of Mr. Sibal when he submitted that respondent No.2 was not a workman as defined in the proviso to Section 2(s) of the 1947 Act. He was holding a Class-I post in the Bank. His duty was managerial in nature. We are not in agreement with the argument raised by Mr. Sibal. The onus was on the Bank to establish that respondent No.2 was performing the managerial duties. Mere nomenclature of a post is not enough for the purpose of holding whether a particular person falls within the definition of "workman" or not. The crux is what type of duties a particular individual performs during the course of his employment under his employer.

It was held in *Shri S.K. Maini v. M/s Carona Sahu Company Ltd., & Ors.*, JT 1994(3)S.C.151, as follows:—

“It appears to us that whether or not an employee is a workman under Section 2(s) of the Industrial Disputes Act is required to be determined with reference to his principal nature of duties and functions. Such question is required to be determined with reference to the facts and circumstances of the case and material on record and it is not possible to lay down any strait-jacket formula which can decide the dispute as to the real nature of duties and functions being performed by an employee in all cases. When an employee is employed to do the types of work enumerated in the definition of workman under Section 2(s), there is hardly any difficulty in treating him as a workman under the appropriate classification but in the complicity of industrial or commercial organisations quite a large number of employees are often required to do more than one kind of work. In such cases, it becomes necessary to determine under which classification the employee will fall for the purpose of deciding whether he comes within the definition of workman or goes out of it. In this connection, reference may be made to the decision of this Court in *Burmah Shell Oil Storage and Distribution Company of India Ltd. v. Burmah Shell Management Staff Association*, (1970) 11 LLJ 590 (SC). In *All India Reserve Bank Employees' Association v. Reserve Bank of India*, (1965) 11 LLJ 175 (S.C.), it has been held by this Court that the word ‘supervise’ and its derivatives are not words of precise import and must often be construed in the light of context, for unless controlled, they cover an easily simple oversight and direction as manual work coupled with the power of inspection and superintendence of the manual work of others. It has been rightly contended by both the learned counsel that the designation of an employee is not of much importance and what is important is the nature of duties being performed by the employee. The determinative factor is the main duties of the concerned employee and not some works incidentally done. In other words, what is, in substance, the work, which employee does or what in substance he is employed to do. Viewed from this angle, if the employee is mainly doing supervisory work but incidentally or for a fraction of time also does some manual or clerical work, the employee should be held to be doing supervisory works. Conversely, if the main work is of manual, clerical or of technical nature, the mere fact that some supervisory or other work is also done by the employee incidentally or only a small fraction of working time is devoted to some supervisory works, the employee will come within the purview of ‘workman’ as defined in Section 2(s) of the Industrial Disputes Act.

If the present case is examined in the ratio quoted above, there is no pale of contradiction in our mind that respondent No. 2 falls within the definition of workman.

9. In the case at hand, the non-applicant could not succeed to prove by the reliable documentary evidence

that the disciplinary action was initiated against the complainant, who was not covered by the definition of “workman” given in Sec. 2 of the I.D. Act. The solitary oral evidence deposed during the cross examination of non-applicant’s witness Shri R.D. Negi is not at all sufficient to prove that the job of the complainant was of supervisory or managerial nature, in the absence of documentary evidence in that regard. Thus the non-applicant has failed to prove that the complainant was not a “workman” as defined under Sec-2(b) of the I. D. Act when the Disciplinary Action was initiated against him. It means that the non-applicant has failed to prove that this court has no jurisdiction to try this case.

10. The learned counsel for the non-applicant submitted that the complainant is a habitual defaulter, he has been served several times with chargesheets, punished and warned by the non-applicant. That the non-applicant’s action of not retaining him in Bank’s service is not unjustified. The learned counsel for the complainant submitted that the past conduct for which the complainant has been punished and warned has no concern with this complaint. The submission made by the learned counsel for the complainant has force. In the complaint at hand, it is to be decided as to whether the non-applicant took the disciplinary action against the complainant in accordance with provisions of I.D. Act. What actions have been taken by the non-applicant against the complainant in the past is not material for deciding this complaint case.

11. The learned counsel for non-applicant submitted that assuming for the sake of argument only, but not admitted, even if the provisions of Sec. 33 of the I.D. Act are attracted to a case where the management/non-applicant has taken action in regard to any matter connected with the dispute. That the earlier dispute is in connection with debarring the complainant from taking part in promotional test for getting promotion whereas in the present dispute, the disciplinary action has been initiated against the complainant on ground of gross misconduct of committing fraud and causing financial loss to the Bank while he was working as an Officer of the Bank and, therefore, on this ground alone, the complaint under Sec. 33 of the I.D. Act is not maintainable. The learned counsel for the complainant submitted that the non-applicant has committed breach of provisions of Sec. 33(2)(b) of the I.D. Act. He added that the complainant has been awarded punishment for dismissal with immediate effect without notice vide order dated 30-8-06 of Chief Manager/Disciplinary Authority, Dena Bank, Regional Office, Bhopal which was modified in appeal to compulsory retirement from the Bank with immediate effect without notice and the said order was passed by the non-applicant without getting approval of this Tribunal. He emphasized that under the provisions of Sec. 33(2)(b) of the I.D. Act, the misconduct is not required to be connected with the pending dispute.

12. The relevant portion of Sec. 33 reads as under:

"Cease from service, etc., to remain in charge under certain circumstances during pendency of proceedings:—(1) During the pendency of any proceeding pending before a conciliatory officer or a fixed or of any proceeding before a labour court or a labour tribunal or Tribunal or National Tribunal in respect of an industrial dispute no employer shall—

- (a) bring in or lay any further charges against the employee or to discharge or punish or suspend or remove him in such dispute, the employer's of which is applicable to them from the date of the commencement of such proceedings;
- (b) take any misconduct connected with the discharge or punishment or punishment or dismissal or otherwise, against any person concerned in such dispute, save that the express permission is waiting with a court of law before which the proceeding is pending.

(2) During the pendency of any such proceeding in respect of an industrial dispute, the employer shall, in accordance with the standing orders applicable to a workman concerned in such dispute or, where there are no such standing orders, in accordance with the terms of the contract, when such dispute is applied between him and the workman

- (a) after a demand is duly made and is rejected, call for a dispute, the workman of a wage upto 10 days from the date of the demand, before the commencement of such proceedings;
- (b) to take any misconduct not connected with the dispute or discharge or punishment or suspension or otherwise, that workman.

Provided that no such workman shall be dismissed or discharged, unless he has been paid wages for a month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer."

13. It is seen clear from the bare reading of Sec. 33(2) by a plain reading of the Act that the misconduct is not required to be connected with the pending dispute. It is clear from the stand and pleadings of the parties that no approval of the management was sought by the management for disciplinary action taken against the complainant.

14. It is noted by the learned judge that the non-applicant that the complainant was issued a charge sheet vide memo no. R/O PER 1106 of dated 11-12-05 for the acts of non-submission and omission when working as Officer at First Class Branch, Ujjain for the period from

August 2002 to 25-11-2005. That the complainant submitted no explanation to the said charge-sheet, a Departmental Enquiry was conducted on the said chargesheet and the charges were found proved against the complainant. The Competent Authority held that the misconduct established against the complainant shows lack of honesty, integrity and he has caused financial loss to the Bank and, therefore, in exercise of power conferred upon Disciplinary Authority in terms of Rule 107(3) of Dena Bank Officers' Employees' (Disciplinary & Appeal) Regulation, 1976 imposed the following penalty on complainant, "Dismissal from Bank's Service with immediate effect without notice." The statement of witnesses on record indicates that the charge levelled against the complainant was that he had submitted fake and inflated hotel bills and defrauded the Bank by claiming false T.V.A. on the basis thereof. It is alleged in the complaint that the DE was not conducted legally and properly and in accordance with rules. That the complainant was refused to examine his witness in defence and he was not given proper opportunity to cross-examine the non-applicant's witnesses etc. Against the above, it has been pleaded by the non-applicant that the enquiry was conducted legally and properly according to rules and following the principles of natural justice. In his affidavit, the complainant Shri S.K. Gaur deposed that he vide letter dated 19-12-05 requested the Chief Manager for giving him personal hearing but the same was turned down, whole enquiry is an eyewash and without affording reasonable opportunity of hearing to the complainant, the complainant was not allowed to cross-examine the non-applicant's witnesses etc. Against the above, it has been pleaded by the non-applicant that the enquiry was conducted legally and properly according to rules and following the principles of natural justice. In his affidavit, the complainant Shri S.K. Gaur deposed that he vide letter dated 19-12-2005 requested the Chief Manager for giving him personal hearing but the same was turned down, the whole enquiry is an eyewash and without affording reasonable opportunity of hearing to the complainant. The complainant was not allowed to cross-examine the non-applicant's witnesses properly and his request to examine the Chief Manager was turned down. Against the above, the non-applicant's witness Shri R.D. Negi in his evidence on cross-examination deposed that he has no knowledge regarding the departmental enquiry conducted against the complainant. The non-applicant has not cared to file record of DE to enable this court to consider as to whether it was conducted legally and properly. The non-applicant's witness Shri R.D. Negi deposed that he has no knowledge regarding the DE. Under the above facts and circumstances, this court is left with no option but to hold that the Departmental Enquiry is vitiated. It is, therefore, held that the Departmental Enquiry is vitiated.

15. The proviso of Sec-33(2)(b) of the I.D. Act is that an employer may for misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise a workman. The proviso lays down that no such workman shall be discharged, or dismissed unless he has been paid wages for one month and application has been made by the employee to the Authority before which the proceeding is pending for approval of the action taken by the employer. There is no evidence on record to indicate that the complainant was paid wages of one month. Similarly there is no evidence of non-applicants on record that the application was made by the non-applicant to this Tribunal for approval of the action of dismissal or compulsory retirement with immediate effect from the service of Bank was taken against complainant. Now it is well settled that the requirements of proviso have to be satisfied by the employer on the basis that they form part of the same transaction. It is concluded from the above that the non-applicant passed the order of dismissal or compulsory retirement of complainant Shri S.K. Gaur from Bank's service in contravention of the provisions of Sec-33(2)(b) of the I.D. Act. Therefore the said order of dismissal or compulsory retirement of the complainant employee from the Bank services with immediate effect is bad in law and liable to be set aside and therefore the order dated 30-8-06 of dismissal of Shri S. K. Gaur from Bank's services with immediate effect which was later on modified on 28-2-07 by the Appellate Authority to compulsory retirement of complainant Shri S. K. Gaur from bank's services with immediate effect is liable to be set aside.

16. The complainant has not made any averment in the complaint that after he was deprived of his service of Dena Bank, he has not been gainfully employed. Under the circumstances, I am of the considered opinion that the non-applicant cannot be directed to give the back wages with all benefits.

17. In view of the above, the complainant under Sec. 33 of the I.D. Act is allowed with costs holding that the order dated 30-8-06 of dismissal of complainant Shri S. K. Gaur from Bank's services with immediate effect without notice modified in appeal to compulsory retirement from Bank's service with immediate effect without notice, is set aside and the non-applicant Bank is directed to reinstate Shri S.K. Gaur in Bank services.

18. Let the copies of the award be sent to the Government of India, Ministry of Labour and Employment as per rules.

C.M. SINGH, Presiding Officer

नई दिल्ली, 18 सितम्बर, 2008

का. अ. 2867.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरा में केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबंध निर्यातकों और उनके कर्मचारों के बीच

अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ सं. 51/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-9-2008 को प्राप्त हुआ था।

[सं. एल-22012/223/2004-आईआर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 18th September, 2008

S.O. 2867.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the Award (Ref. 51/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial dispute between the management of Nagpur Area WCL, Kamptee Sub Area, and their workmen, received by the Central Government on 18-9-2008.

[No. L-22012/223/2004-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No CGIT/NGP/51/05

Date : 2-9-2008

Petitioner/
Party No. 1 : The General Secretary, Koyla Shramik
Sabha,
Ingole Layout Laxmi Nagpur, Zingabai
Takli, Godhni Layout Nagpur

Versus

Respondent/
Party No. 2 : 1. The Chief General Manager,
Nagpur Area of WCL Nagpur;
and
2. The Sub Area Manager,
WCL, Kamptee Sub Area
Kamptee, Nagpur

AWARD

(Dated : 2nd September, 2008)

1. The Central Government after satisfying the existence of dispute between the General Secretary, Koyla Shramik Sabha, Ingole Layout Laxmi Nagpur, Zingabai Takli, Godhni Layout Nagpur (Party No. 1) and 1. the Chief General Manager, Nagpur Area of WCL, Nagpur; 2. the Sub Area Manager, WCL, Kamptee Sub Area Kamptee, Nagpur (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No. L-22012/223/204-IR(CM-II) dated 29-6-2005 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 Industrial Disputes Act, 1947 (14 of 1947) with the following schedule.

2. Whether the action of the management of Western Coalfields Limited through its Chief General Manager, Nagpur Area, Jaripatka, PO Jaripatka, Dist.

पिछले सम्पूर्ण चेतन व समस्त सुविधाओं सहित सेवा में बहाली का अनुरोध प्रदान किया जाए।

4. अप्राथी नियोजक की ओर से क्लेम का जबाब प्रस्तुत कर प्रतिवाद किया गया है कि प्राथी को उनके द्वारा किसी भी आदेश से मेस हेल्पर के पद पर नियुक्त नहीं किया गया। कार्य आकस्मिक की उपलब्धता होने के कारण पूर्ण रूप से दैनिक चेतन भोगी के रूप में उसे नियुक्त किया गया था जो कार्य समाप्ति के पश्चात् उसकी सेवाएं स्वतः ही समाप्त हो जाती थीं। उसने 10-11-99 से निरन्तर कार्य नहीं किया और ना कभी 240 दिन तक लगातार कार्य किया। प्राथी को अवधि विरोध हेतु ही कार्य की उपलब्धता के आधार पर रखा गया था जो अवधि समाप्ति के साथ ही कार्य से अलग हो गया। अधिनियम के प्रावधान प्राथी पर लागू नहीं होते हैं और उसका समस्त क्लेम असत्य, आधारहीन, सारहीन व विधि विरुद्ध है। प्राथी किसी प्रकार के अनुतोष का अधिकारी नहीं है, क्लेम सव्य निरस्त किया जाये।

5. साक्ष्य में प्राथी श्रमिक की ओर से स्वयं का तथा अप्राथी नियोजक की ओर से अनिमेश पाल, प्राचार्य जवाहर नवोदय विद्यालय, अटल का शपथ-पत्र प्रस्तुत कर परीक्षित करवाया गया है। पक्षकारों की ओर से प्रलेखीय साक्ष्य भी प्रस्तुत की गयी है।

6. बहस विद्वान प्रतिनिधिगण पक्षकारान की सुनी गयी, पत्रावली व उपलब्ध साक्ष्य तथा सामग्री का ध्यानपूर्वक परीक्षण किया गया।

7. प्राथी श्रमिक के विद्वान प्रतिनिधि द्वारा तर्क दिया गया है कि प्राथी श्रमिक ने अप्राथी नियोजक के विद्यालय मेस में हेल्पर के पद पर दि. 10-11-99 से नियोजित होकर निरन्तर 16-1-01 से पूर्व 12 कलेण्डर माह में 240 दिन से अधिक समय तक कार्य कर लिया था। प्राथी श्रमिक को अप्राथी नियोजक के यहां उक्त पद पर कार्य किया जाना उसके शपथ-पत्र से समर्थित है। उसे अप्राथी नियोजक द्वारा सेवा से हटाये जाने से पूर्व अधिनियम की पालना नहीं की गयी। प्राथी श्रमिक सेवा में निरन्तरता सहित पुनर्स्थापित होने का व समस्त वेतन प्राप्त करने का अधिकारी है। यह भी कथन रहा है कि प्राथी श्रमिक को नियुक्ति-पत्र व भुगतान सम्बन्धी किसी प्रकार का कोई प्रलेख/अभिलेख उपलब्ध नहीं करवाया गया है जो उचित नहीं है।

8. अप्राथी नियोजक की ओर से विद्वान प्रतिनिधि द्वारा तर्क दिया गया है कि प्राथी श्रमिक ने निरन्तर सेवा पृथक् पूर्ववर्ती वर्ष या उससे पूर्व 240 दिन का कार्य नहीं किया है। प्राथी स्वयं कार्य की उपलब्धता होने पर आकस्मिक कार्य हेतु विशेष कार्यावधि तक ही दैनिक वेतन भोगी श्रमिक के रूप में कार्यरत रहा है और कार्य की उपलब्धता समाप्त होने व कार्यावधि समाप्त होने के साथ ही उसकी सेवाएं स्वतः समाप्त हो जाती थीं। प्राथी श्रमिक ने जो भी कार्य किया, उसका भुगतान उसे नियमानुसार किया गया है। प्राथी श्रमिक ने मात्र 170 दिन ही कार्य किया है, इस कारण अधिनियम के प्रावधानान्तर्गत कोई अनुतोष का अधिकारी नहीं है। वह स्वयं ही कार्य समाप्ति पर सेवा से समाप्त हो गया। प्राथी को दैनिक वेतन भोगी श्रमिक की देय मजदूरी का नियमानुसार भुगतान किया गया है जिस सम्बन्धी समस्त अभिलेख न्यायालय अभिलेख पर प्रस्तुत कर दिया है। उसने

माह मार्च, मई, जून व सितम्बर 2000 में एक भी दिवस कार्य नहीं किया और इस सम्बन्धी कोई दस्तावेज प्राथी श्रमिक की ओर से प्रस्तुत नहीं किया गया है कि उसने कोई कार्य किया हो। प्राथी श्रमिक का मामला अधिनियमान्तर्गत पाने योग्य नहीं होने से वह किसी अनुतोष का अधिकारी नहीं है।

9. पक्षकारों द्वारा प्रस्तुत तर्कों पर मनन किया गया, पत्रावली व उपलब्ध साक्ष्य का ध्यानपूर्वक अवलोकन किया गया। प्राथी श्रमिक ने अप्राथी नियोजक के अधीन नियुक्ति तिथि 10-11-99 से 15-1-01 के मध्य लगातार 240 दिन कार्यरत होने के तथ्यों के समर्थन में केवल मात्र अपना शपथ-पत्र अभिलेख प्रस्तुत किया है। इसके अतिरिक्त निरन्तर कार्य किये जाने सम्बन्धी कोई ठोस प्रमाण या प्रलेख प्राथी श्रमिक की ओर से अभिलेख पर प्रस्तुत नहीं हुआ है जिससे कि उसके कथनों की पुष्टि हो सके। उसका यह भी मामला नहीं रहा है कि वो किसी स्थायी पद पर कार्यरत रहा हो और उसकी नियुक्ति तथा कथित पद पर नियमित रूप में चयन प्रक्रिया अनुसार की गयी हो। उसकी ओर से अभिलेख पर ना तो अप्राथी नियोजक द्वारा जारी कोई नियुक्ति-पत्र प्रस्तुत किया गया है और ना ही सेवा से हटाये जाने सम्बन्धी कोई प्रलेख प्रस्तुत किया गया है। इसके विपरीत अप्राथी नियोजक की ओर से प्रस्तुत साक्षी अनिमेशपाल, प्राचार्य विद्यालय ने अपने शपथ-पत्र में स्पष्टतः अंकित किया है कि प्राथी श्रमिक की नियुक्ति स्वयं के कार्य पर आने पर एक आकस्मिक कार्य उपलब्धता तक व कार्य विशेष की समाप्ति तक ही रही थी जिसका समय-समय पर उसे नियमानुसार भुगतान किया जाता रहा है। विशेष कार्य समाप्ति पर प्राथी की सेवाएं स्वतः ही समाप्त हो जाती थीं, उसे अप्राथी द्वारा जानबूझकर कार्य से नहीं हटाया जाता था। साक्षी का प्रतिपरीक्षा में यह स्पष्टतः कथन भी रहा है कि उनके द्वारा समस्त रिकार्ड न्यायालय पत्रावली पर प्रस्तुत किया गया है जो उसे भुगतान किया गया है वो भी सारा पेश किया है। हमारे स्कूल रिकार्ड के अनुसार प्राथी ने मई, जून, 2000 में काम नहीं किया है। आगे यह भी कथन रहा है कि प्राथी ने मार्च व सितम्बर में भी काम नहीं किया था इसलिए उसकी पे-शीट पेश नहीं की। उसका स्पष्टतः कथन रहा है कि अस्थायी प्रकृति का कार्य था इसलिए आवश्यकता होने पर जो व्यक्ति उपलब्ध रहा उसे ही बुला लिया गया। अप्राथी साक्षी ने अपनी प्रतिपरीक्षा में यह भी स्पष्ट कहा है कि मैंने मेरा शपथ-पत्र स्कूल रिकार्ड के आधार पर लिखा है। अप्राथी नियोजक की ओर से प्राथी श्रमिक द्वारा उनके यहां कार्य विशेष पर कार्य किये जाने सम्बन्धी व भुगतान सम्बन्धी प्रलेख भी प्रदर्श एम. 6 लगा. एम. 29 प्रस्तुत किये गये हैं, किन्तु इनकी गणना से कहीं पर भी प्राथी श्रमिक का अप्राथी नियोजक के यहां लगातार 12 माह कलेण्डर या सेवापृथक् पूर्ववर्ती वर्ष में 240 दिन तक कार्य किया जाना साबित नहीं होता है बल्कि सम्पूर्ण कार्यावधि में प्राथी श्रमिक का आकस्मिक कार्य बतौर कुल 179 दिन ही कार्यरत होना पाया जाता है। ऐसी स्थिति में अप्राथी नियोजक द्वारा अधिनियम के आज्ञा पर प्रावधानों की पालना किया जाना आवश्यक नहीं रहा है और प्राथी किसी अनुतोष के अधिकारी होने का पात्र समझे जाने योग्य नहीं है।

परिणामतः भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निदेश/विवाद को अधिनिर्णीत कर इस प्रकार उन्निहित किया जाता है कि चूंकि प्राथी अधिका गोकेश कुमार यह मांगित करने में पूर्णतया असफल रहा है कि उसके द्वारा अप्राथी नियोजक शिंमराव, बवाहर नवोदय विद्यालय, अरकू जिला बारा को अधीन निर्देशित रहकर क्लेम में वर्णित शिंमराव/कांथ में या सेवा वृत्तक होने की शिंथ 16-1-2001 से पूर्ववर्ती वर्ष में निरन्तर 240 दिन या उससे अधिक कार्य कर लिया गया था अतः यह अधिनियमान्तर्गत कोई संश्लेष प्राप्त नहीं होने से अप्राथी नियोजक से किसी प्रकार का कोई आग्रह प्राप्त करने का अधिकार नहीं है।

बद्रीलाल घोंगा, नगरपालिका

नई दिल्ली, 18 सितम्बर, 2008

का.आ. 2869. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इन्जु. सी.एल. के प्रबंधन के संघट्ट नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, रागपुर के पंचट (संदर्भ सं. 83/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-9-2008 प्राप्त हुआ था।

[सं. एन-22012/170/1994-आईआर (सी-1)]

अजय कुमार गौड़, डेस्क ऑफिसर

New Delhi, the 18th September, 2008

S.O. 2869.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 83/2003) of the Central Government Industrial Tribunal-Cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of WCL and their workman which was received by the Central Government on 18-9-2008.

[No. L-22012/170/1994-IR(C-1)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A.N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/83/03

Date: 4-9-2008

Petitioner/Party No. 1: The President,
Bahujan Employees
Federation, Walni Mines, Pipla
Sub Area of WCL, Nagpur

Verses

Respondent/Party No. 2: The Sub Area Manager, WCL,
Sillewara, Nagpur

AWARD

(Dated: 4th September, 2008)

1. The Central Government after satisfying the existence of dispute between the President, Bahujan Employees Federation, Walni Mines, Pipla Sub Area of WCL, Nagpur (Party No.1) and the Sub Area Manager, WCL, Sillewara, Nagpur (Party No.2) referred the same for adjudication to this Tribunal vide its letter No.L-22012/170/94-IR(C-1) dated 21-9-1994 under clause (d) of sub-section (1) and sub section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following Schedule.

2. "Whether the action of the management of Western Coalfields Limited, Sillewara, Sub Area, Distt. Nagpur in dismissing Shri Mahatan Lenged Looder from 10-2-1992 is legal and justified? If not, to what relief is the workman entitled to?"

3. The reference came up for hearing on 4-7-2008 on which also the Petitioner and his Counsel were absent. They are not attending the case since last one year. He has not even filed a statement of claim. I do not think it proper to continue it on the same stage years together. It seems that the Petitioner is not interested in prosecuting the case. In the circumstances, no purpose will be served in continuing the case, hence it is dismissed for the default of the Petitioner and pass the negative award that he is not entitled for any relief.

Date: 04-09-2008

A. N. YADAV, Presiding Officer

नई दिल्ली, 18 सितम्बर, 2008

का.आ. 2870.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार फेडरल बैंक लि. के प्रबंधन के संघट्ट नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, इराकूलम के पंचट (संदर्भ सं. 67/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-9-2008 को प्राप्त हुआ था।

[सं. एन-22012/157/1997-आईआर (सी-1)]

बी.ए. मन्जुन्दा, अनुधात आधिकारी

New Delhi, the 19th September, 2008

S.O. 2870.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 67/2006) of Central Government Industrial Tribunal-Cum-Labour Court, Ernakulam as shown in the Annexure, in the Industrial Dispute between the management of Federal Bank Limited, and their workmen, received by the Central Government on 19-9-2008.

[No. L-22012/157/1997-IR(C-1)]

B. MANJUNDA, Section Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM****Present: Shri P.L.Norbert, B.A.LL.B. Presiding Officer****I.D.67/2006****(I.D.35/1998 of Labour Court, Ernakulam)**

Union	:	The General Secretary, Federal Bank Employees Union, Central Office, P.B.No.10, Aluva—683101. By Adv. Shri. C.Anil Kumar.
Management	:	The Chariman, Federal Bank Limited, Head Office, Aluva—683101. By Adv. M/s. B.S.Krishnan Associates.

This case coming up for hearing on 12-06-2008, this Tribunal-cum-Labour Court on 20-06-2008 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is:—

"Whether the action of the management of M/s. Federal Bank Ltd. in inflicting the punishments of withholding one annual increment with cumulative effect in respect of Sri. Pranabesh Mandal, Clerk and withholding two annual increments with cumulative effect in respect of Sri. Sanjit Dey, sub-staff for certain alleged malpractice are justified? If not, to what relief the workman are entitled?"

2. Facts of the case in brief are as follows:- The union has espoused the cause of two bankmen by name Pranabesh Mandal and Sanjit Dey who were proceeded against by the management for misconduct of unfair practice in the promotion test by copying the answers of Pranabesh Mandal by Sanjit Dey with active connivance of each other. Two charge sheets were issued to both workmen and two enquiries were conducted. The workmen were found guilty of the misconduct and the disciplinary authority imposed the punishment of withholding one annual increment with cumulative effect in respect of Pranabesh Mandal and withdrawing of 2 annual increments with cumulative effect in respect of Sanjit Dey.

3. According to the workmen the examination was conducted under strict vigilance and supervision of the management officials. The seating arrangements were made in such a manner so as to rule out any kind of malpractice. None of the invigilators in the examination hall had reported

about any malpractice. Though both of them had come out successful in the examination their results were withheld and they were charge sheeted without any basis. The management has victimized the workmen. The enquiry was conducted violating principles of natural justice. No proper opportunity was given to defend. The evidence was not properly assessed by the Enquiry Officer. There is no sufficient evidence to prove the guilt of the workmen. The disciplinary authority failed to appreciate the evidence on record and imposed a harsh punishment. It is disproportionate to the charges. Though appeals were filed they were rejected by the appellate authority. The findings and punishments are liable to be set aside.

4. According to the management the workmen were involved in serious misconduct of copying answers of one by the other. This could be done only with the co-operation of both. The enquiry Officer conducted separate enquiry in respect of both delinquents. The enquiry was conducted following the principles of natural justice. The workmen were allowed to be represented by the union General Secretary. Copies of documents were given and list of witnesses were provided to the workmen sufficiently in advance. The workmen had cross-examination all the management witnesses and adduced defence evidence. The Enquiry Officer entered findings based on the evidence on record. The Disciplinary Authority had called for the representation regarding the findings and the proposed punishment. Considering the gravity of the misconduct the punishments were imposed. The appellate authority after considering the enquiry proceedings, all connected papers and the contentions of the workmen, concurred with the findings and the punishment and rejected the appeal. There is clear evidence of copying the answers of Pranabesh Mandal by Sanjit Dey. In the circumstances no interference in the findings of Enquiry Officer and the punishment imposed by the disciplinary authority is called for.

5. In the light of the above contentions the following points arise for consideration:-

1. Is the enquiry valid ?
2. Are the findings sustainable ?
3. Are the punishment proportionate ?

The evidence consists of Exts. M1 and M2 enquiry files alone on the side of management.

6. Point No. 1:- Though a contention is raised that the enquiry was conducted without complying with the principles of natural justice and without granting sufficient opportunity to defend, they remain in the realm of mere and bare allegations in the claim statement. No attempt is made to substantiate the contentions. It is seen from the enquiry proceedings in Ext. M1 and M2 that the workmen were represented by General Secretary of the union. The workmen and the defence representative had participated

in the enquiries throughout. They were given copies of documents and list of witnesses on the side of the management. The defence had cross-examined all the management witnesses. They had also adduced defence evidence. Therefore the allegation of the union is without any basis and meritless.

7. Point No. 2:- Charges against the two workmen are that they had appeared for promotion test for bankover held on 27-10-90 at D.G. M's Office at Calcutta. Sri Sanjit Dey copied the answers of Sri Pranabesh Mandal and Pranabesh Mandal had permitted Sri. Sanjit Dey to copy the answers from his answer sheet. The matter was reported by the examiner who valued the answer sheet of both employees. Three figures in the answer sheets of Sri. Pranabesh Mandal and Sri. Sanjit Dey were the same. They are:

(i) Interest	26861153
(ii) Grant total product	755861647
(iii) Debit Credit summation	6168619653

Though Sri. Sanjit Dey had written a wrong figure 28861153 when the figures were summated the answer was 755861647. This was the answer of both Sanjit and Pranabesh. However in order to arrive at this total sum the first number should have been correct and the correct product was 26861153. Instead of that Sanjit Dey had written 28861153. If that be so there should have been a difference in the total figure by 20 lakhs. This did not happen. The candidates were supplied with two sheets of paper to do rough work and calculate interest. Sanjit had not done interest calculation in the rough sheet supplied to him. However he had arrived at the grand total of all the figures including interest. This was not possible without using the rough sheets and making the calculation as the numbers were large. The mistakes in the credit and debit summations of Pranabesh Mandal were repeated by Sanjit. Sanjit was sitting in front of Pranabesh. Without the connivance of Pranabesh, Sanjit could not have copied the answers of Pranabesh. The explanation of Pranabesh to the charge sheet is that copying was not possible as both were sitting at a distance of 10 to 15 feet one behind the other. No invigilator in the examination hall had reported regarding any malpractice. The explanation of Sanjit that he had not copied any answer from the answer sheet of Pranabesh. According to him while writing the answers and doing the calculations, the rough sheet had fallen down and he had no time to recover it for want of sufficient time to answer all questions. Hence a newspaper which was used as a pad, was made use to do the rough calculations and only at the end of the examination, the rough sheet could be recovered from the floor and that is the reason why the calculation of interest is not seen in the rough sheet. These explanations were not satisfactory to the disciplinary authority and therefore enquiries were ordered.

8. In the enquiry against Sri. Pranabesh Mandal 3 witnesses were examined as MW1 to MW3 and 14

documents were marked as ME-1 to 14 on the side of the management and one witness was examined as DW1 on the side of the workman. In the enquiry against Sanjit the same 3 witnesses were examined as MW1 to MW3 and 13 documents were marked as Exts. ME-13 on the side of the management and one witness was examined as DW1 on the side of the defendant.

9. MW 1 Sri. N. purman who was the Branch Manager of Ambalapuzha Branch of the Federal Bank was deputed to Calcutta to conduct the promotion test of Clerks on 27-10-1990. According to him a seating diagram was prepared in advance for the conduct of the test and the diagram is Ext. ME-6. Roll No. of Sri Sanjit (CSF) was 9342 and his seat was in the 6th row from front. The other CSF Sri. Pranabesh was a Roll No. 9345 and his seat was in the 8th row from front. There were 3 invigilators to supervise the examination. The witness says that he had issued Ext. ME-7 instructions to invigilators for proper conduct of the test. The candidates were not allowed to bring any books, new pens or calculators etc. into the hall. None of the invigilators reported any violation of the instructions or rule. The witness has deposed that Sanjit was sitting in front of pranabesh at a distance of 5 feet.

10. MW 2. Sd/- Mr. Kanner Adhikari was an officer of Demapur Branch and an invigilator for the test. He says that none of the candidates in the test including Sanjit was permitted to bring newspaper. Sri Sanjit was sitting in front of pranabesh. MW 2 had issued one answer sheet and two work-sheets to each candidate. At the end of the examination the witnesses had collected all the answer sheets and work sheets from candidate. He had not noticed any malpractice during the examination.

11. MW 3 is Sri. D. Singhal. He was the Manager of Nehru Place Branch. He was posted as Deputy Chief Examiner for the test. He assessed the answer papers of Pranabesh Mandal and Sanjit. They are Exts. ME-11 (in Ext. M 1) and ME-12 (in Ext. M 2). On perusing the answers he came to understand that Sri. Sanjit had copied the answers of Sri. Pranabesh. He came to such a conclusion because the mistakes committed by Pranabesh were repeated by Sanjit in his answer papers. He sent Ext. ME-13 report regarding the malpractice to the Chief Examiner. The discrepancy and the malpractice is said to be the following according to the enquiry Officer.

- (1). In Ext. ME-11 (in Ext. M2) answer sheet of Sanjit Dey he had shown a wrong product against the entry dated 28-12-1984 as 28861153 but the actual figure was 26861153. However when he summated he arrived at a grand total of 755861647 which is the correct answer. But going by the first product the grant total should have been less by 20,00,000. In the answer sheet of Pranabesh Ext. ME-12 (in Ext. M 1) the grand total was 755861647 (the correct figure). However there was no mistake in the products which were summated.

2. The total credit and debit summation in Ext. ME-12 of Pranabesh was wrong and the figure was 61686726.53. The actual figure should have been 61648165.47. The worksheet provided to Pranabesh contained the method of calculation and how he had arrived at a wrong figure. Whereas in Ext. ME-11 answer sheet of Sanjit without making calculation in the worksheet the same mistake in the answer sheet of Pranabesh was repeated by Sanjit.
3. The amount of interest calculated by Pranabesh was correct. So also the amount of interest arrived at by Sanjit. Nobody else, other than Pranabesh and Sanjit had calculated the interest correctly. But while Pranabesh's worksheet showed rough calculation the worksheet of Sanjit did not contain such rough calculation. But he had arrived at the correct figure.
4. Without using worksheet and doing rough calculation it was not possible to get answers because the numbers were large.

12. It is the case of the management that Pranabesh was sitting behind Sanjit at a distance of 5 feet. However the defence witness Sri. Sekhar Banerji, one of the candidates who had appeared for the test denied that Pranabesh was sitting behind Sanjit. He also said that he was supplied with only one answer sheet by MW 1 and he used news paper as pad for answer sheet. Pranabesh in his reply to the charge sheet (Ext. ME-3 in M1) has not challenged the row arrangement or seating arrangement, but only disputed the distance between the rows as 10 to 15 feet. Sanjit in his reply to the charge sheet (Ext. ME-3 in M2) stated that his seat being in front of Sri Pranabesh, without mechanical device it was not possible to see the answers in the answer sheet of Pranabesh. This being the reply of workmen, DW1 tries to be more loyal than the king. MW1 to MW3 say that Pranabesh was sitting behind Sanjit. The seating diagram Ext. ME-6 in M1 support the case of the management regarding seating arrangement. It is true that the invigilators did not notice any malpractice in the examination hall. But the fact that same mistakes committed by Pranabesh were repeated by Sanjit and arrived at a total sum and interest figure without rough calculation throw a lot of doubt on the conduct of Sanjit. The case of missing of worksheet and use of newspaper as worksheet is a cock and bull story to escape from the clutches of guilt. The invigilators and MW1 have deposed that nobody was allowed to bring into the hall news papers, books, calculators etc. In the light of the evidence on record and in view of the circumstances discussed above there is no doubt that the Enquiry Officer has rightly found that Sanjit had copied the answers of Pranabesh and the latter had connived in doing so. Hence both are guilty. I find no reason to interfere with that finding.

13. Point No. 3:- The punishment awarded to Pranabesh is withholding of one annual increment with cumulative effect and the punishment imposed on Sanjit is withholding of 2 annual increments with cumulative effect. It was argued by the learned counsel for the union that the punishment is disproportionate and excessive. However learned counsel was not able to convince me as to what manner the penalty is disproportionate or illegal. It is a major misconduct falling within clause 19.5 of First Bipartite Settlement for which one of the punishments in clause 19.6 has to be imposed. The withholding of increment is in no way a harsh punishment. The punishment being one not within S-11A of I.D. Act, unless it is against the provisions of law or Bipartite Settlement this court cannot interfere. Hence I find that the punishment is proper and legal.

In the result an award is passed finding that the action of the management in imposing the penalty of withdrawal of one annual increment with cumulative effect in respect of Sri. Pranabesh Mandal and withholding of 2 annual increments with cumulative effect in respect of Sri Sanjit Dey is legal and justified and the workmen are not entitled for any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 20th day June, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

Exhibits for the Management

- M1 - Enquiry file in respect of Sri Pranabesh Mandal.
- M2 - Enquiry file in respect of Sri Sanjit Dey.

नई दिल्ली, 19 सितम्बर, 2008

क्र.आ. 2871.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ग्राम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 107/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-09-2008 को प्राप्त हुआ था।

[सं. एल-12012/366/1995-आईआर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 19th September, 2008

S.O. 2871.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 107/04) of the Central Government Industrial Tribunal-Cum-Labour

Court, Nagpur as shown in the Annexure in Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 18-9-2008.

[No. I-41012/366/1992-IR (S-I)]

RAMESH K. NAGAR, Section Officer
ANNEXURE

**BEFORE SHRI C.N. VADAW, PRESIDING OFFICER,
CENTRAL GOVERNMENT COURT, NAGPUR**

Case No. C.G.P.C. 1992/457494 Date: 8-9-2008

Petitioner: Shri. Kancham S/o Govindrao Shelke,
Party No. 1 R. K. Sandesh Wankhede, No. 1,
Bhamburda Mangal Karyalay, Bham-
burda, Nagar No. 2, Post-Rajghunpur, Tal.
Amravati (M.S.)

Respondent:

No. 2 The Regional Manager, Bank
of Maharashtra, "Spidhwanaj",
Pb. Bank Building, Opposite Aml
Mangal Karyalay, Lalhanga, Patiala,
Amravati-444606

AWARD

Given at Sh. September, 2008

1. The Central Government after satisfying the existence of dispute between the Shri Kancham S/o Govindrao Shelke, R. K. Sandesh Wankhede, No. 1, Bhamburda Mangal Karyalay, Bhamburda, Nagar No. 2, Post-Rajghunpur, Amravati (M.S.) Party No. 1 and the Regional Manager, Bank of Maharashtra, "Spidhwanaj", Deshpande Building, Opposite Aml Mangal Karyalay, Lalhanga, Patiala, Amravati-444606 Party No. 2 referred the same for adjudication to this Tribunal vide its letter No. I-41012/366/95-IR (S-I) dated 19-02-1996 under clause (1) of sub-section (1) and sub-section (2A) of Section 16 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of Bank of Maharashtra in withdrawing its R.M. Amravati in discharging the services of Shri Kancham Shelke, Clerk by order dt. 13-7-1994 is a legal and justified? If not, to what extent is the workman entitled to?"

3. The respondent came up for hearing on 06-09-2008 on which also the petitioner and his Counsel were present. They are not attending the case since 14-09-2008. He has not even filed a statement of claim. It does not seem proper to continue the case in the same stage year after year. It seems that the respondent is not interested in proceeding the case. In the circumstances, no purpose will be served in continuing the case. Hence, it is dismissed for the claim of the Petitioner and also the negative award that he is not entitled for any relief.

Date: 08-09-2008

C.N. VADAW, Presiding Officer

नई दिल्ली, 19 सितम्बर, 2008

क्र.आ. 2872.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचना में केन्द्रीय सरकार नार्दन रेलवे प्रबंधन के संबद्ध नियोजन और उनके कर्मचारों के बीच अनुव्यय में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, चण्डीगढ़ के पंचार (संदर्भ संख्या 107/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-09-08 को प्राप्त हुआ था।

[सं. एन. 1/012/145/1992 -आईआर (डोयु)]

जी. के. मनचन्दा, अनुभाग अधिकारी

New Delhi, the 19th September, 2008

S.O. 2872.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 07/1994) of the Central Government Industrial Tribunal-cum-Labour, Court-1, Chandigarh, as shown in the Annexure in Industrial Dispute between the management of Northern Railway, and their workmen, which was received by the Central Government on 19-6-2008.

[No. I-41012/145/1992-IR (DU)]

**B.K. MANCHANDA, Section Officer
ANNEXURE**

**BEFORE SHRI GYANENDRA KUMAR SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDIGARH**

Case No. I.D. 7/1994

**Shri Tuhir Ram S/o Shri S.P. Sharma, House No. 3452,
Sector 23-D, Chandigarh**

.... Applicant

Versus

**1. The General Manager, Northern Railway, Baroda House,
New Delhi**

2. Asstt. Engineer, Northern Railway, Patiala (Pb)

..... Respondent

APPEARANCES

For the workmen : None

For the management : None

AWARD

Passed on 9-6-08

The Government of India vide Order No. I-41012/145-92-IR (DU) dated 21-6-94, referred this Industrial Dispute for adjudication to this Tribunal on account of failure of reconciliation proceedings before the Conciliation Officer. The reference which was referred by the Central Government for judicial adjudication is:-

"Whether the action of Assistant Engineer, Northern Railway Patiala, in terminating the service of Sh. Tuhir Ram S/o Sh. Nantra Ram, Khatasi w.e.f. January 1987

is justified? If not what relief the workman is entitled to?"

After receiving the reference, workman and the Management both were afforded the opportunity for filing their respective claim petition and written statement. In his statement for claim, the workman Tuhi Ram stated that he was engaged as Casual Labour on daily wages by Inspector of Works, Northern Railway, Bhatinda from 15-12-77 to 14-03-78. Thereafter, the workman was engaged as Casual Labour on daily wages by Inspector Works Northern Railway, Delhi, District Sangrur, from 1-06-85 to 14-12-86. That below the entry 15-11-86 to 14-12-86, in the Casual Labour card it has been mentioned as ("left on own accord") but the deponent remained engaged with the Inspector of Works, Northern Railway, Delhi for the period from 15-12-86 to 14-1-87 and he was also paid wages for that period. That the Services of Shri Tuhi Ram were terminated on 14-01-87 an oral Order. That the termination of services of Tuhi Ram is wrong, illegal, arbitrary, mala fide and invalid. After completion of 120 days of service on 14-10-85, he was entitled to scale rate of pay and once he was granted temporary status, his services could not be terminated except in due course of law and without giving him adequate and reasonable opportunity to show cause against the termination of service. The remarks on the Casual Labour card of the deponent to the effect "left on own accord" are quite wrong, illegal and invalid because he remained engaged with the management from 15-12-86 to 14-01-87. His termination is retrenchment under the Industrial Disputes Act, 1947, and as he has completed 240 days of service, the services of the deponent could not be terminated except in due course under Section 25-F of the Industrial Disputes Act, 1947. The breaks in service from 15-10-85 to 18-10-85, 15-01-86, 27-5-87 and 13-08-86 were illegal, unjust and the same are unfair labour practices. The deponent made applications to the higher authorities for employment on 21-04-88, 15-12-89 and 06-09-91. On number of occasions, he has orally requested to provide the work but without any result. He also gave letter dated 10-06-92 to DRM Northern Railway which was received by Sh. Atma Singh, Assistant Executive Engineer Railway, Ambala but he was not provided the work.

With the above averments, the workman has prayed the protection of Section 25-F of the Industrial Dispute Act, 1947 with the prayer for reinstatement in service with full back wages, 24% per annum interest and other consequential benefits.

The management filed the written statement denying all the allegations of workman by stating that Shri Tuhi Ram worked from 15-12-77 to 14-03-78 and thereafter left the job without any reason and remained absent for a period of 7 years. It has been admitted by the management that once again from 01-06-85 to 17-01-87 the workman had worked with the management in different Departments with breaks. There were breaks in his service from 15-01-85

to 18-10-85 and 15-01-86 to 27-05-86 almost for 5 months. Again a break on 31-08-86 for a day. Thus, the workman has not completed 240 days continuously to any of the proceeding year of his termination, and not entitled for the protection of the provisions of Industrial Disputes Act, 1947. It has also been stated that from 18-01-87, the workman himself left the job and never turned up. His claim and reference is also barred by limitation. He is a habitual absentee and has never requested the Department for the work after 17-01-87.

Against the written statement, the workman filed the replication stating that he has never abandoned/left the job but he was terminated from the service by an oral order.

Both of the parties were afforded the opportunity of being heard and for adducing evidence.

The workman filed his affidavit and he was cross-examined by learned counsel for the Management. Likewise for Management Shri Bharam Singh filed the Affidavit and he was cross-examined by learned counsel for the workman. Opportunity of being heard was given but on the date fixed, none turned-up for the workman as well as for the Management. Accordingly, considering the critical old reference pending adjudication in this Tribunal, the file was reserved for Award.

The main question for the consideration before this Tribunal is whether the termination of the services of Sh. Tuhi Ram, w.e.f. January, 1987, is justified? If not, what relief the workman is entitled to? I have gone through the evidence of both the parties oral and documentary.

It is admitted fact that the workman, Sh. Tuhi Ram, has worked from 15-12-77 to 14-01-87 with certain breaks. The first break which was almost of seven years was from 15-12-77 to 14-03-78. Mainly on the basis of this break, Management, has claimed that the workman has been a habitual absentee. In the oral evidence, MW1, Bharam Singh for Management has stated that again under the orders of the Superior Officers, the workman had been recalled in the year 1985 and the workman Tuhi Ram also joined. It shows that along with Tuhi Ram, some other workers were disengaged on 14-03-78 and they were recalled in the year 1985. Tuhi Ram was one of them. Thus it can not be said that Tuhi Ram abandoned the job of his own. In his oral evidence MW1 has also stated that as per Instructions, Casual Labour is entitled for grant of temporary status on completion of 120 days of service. This is also the case of Tuhi Ram that on completion of 120 days of service, the temporary status was not awarded to him. In the pleadings the Management denied that the workman has completed 120 days of service but in evidence in para No. 3, P/2. It is specifically mentioned that he has completed 120 days of regular service on 14-10-85 and after that he was entitled for regular pay, but unfortunately, he left the job on 15-10-85 without any reason and thus occurred a break in service. The workman has agitated that this break was illegal as he was not permitted to work by the Management to escape

from the liability of giving the temporary status. From the calculation given by the Management itself, it is evident that from 15-10-85 to 18-10-85 for 4 days, the claimant has shown to left the job and again on 19-10-85 he joined the service. A Circular Letter of the Northern Railway No. DSC/MISC/CI-82-83 dated 30-11-83 which is regarding the recruitment of fresh Casual Labour, shows that these are the Instructions of the Railway Ministry that the Labour should be engaged for a period not more than 90 days. This Circular Letter supports the version of the workman that the Management causes the breaks in service to prevent itself from the liability of giving the temporary status to the workman. Such types of breaks have been held to be illegal by Hon'ble Himachal Pradesh High Court in a recent judgment published in 2007 LLR 1155 Manoj Kumar Sharma Vs. H. R. T. C. and Another Hon'ble High Court of Himachal Pradesh in para 11 and 18 of the judgment has specifically held that such breaks in service of workman and the communication amounts to unfair labour practice. Accordingly after considering the facts and circumstances of the case and considering the evidence of both the parties, I am of the view that the breaks in service of the workman were not the result of his voluntary absence from the service but he was not allowed to work to prevent the Management from the liability of giving him temporary status. On 14-01-86, the workman has completed 120 days of service and as per the Circular Letter of the Railway Ministry, he was entitled for the temporary status which was not given to him. He was not permitted to work from 5-01-86. As already stated that the intention of the Management is very clear from the letter of the Railway Ministry dated 30-11-83 having a scheme for engaging the Casual Labour for a period of 90 days only. The intention for such a provision is very well clear. Thus the workman has proved that the breaks in the service were not the result of his fault or absence from the service and the workman cannot to be said to be habitual absentee but there were compelling circumstances for his absence.

The workman has also pleaded that his juniors were given the job by the Management. The Management has denied it in pleadings. The Management in oral evidence admitted that Shri Swaran Pal joined on 15-05-78 and was junior to Tuhi Ram who joined the service on 15-12-97. It has also been admitted by the Management that Swaran Pal also left the job in 1978, at his own and he was reengaged in the year 1980 for 92 days. This statement once again shows that the seven years absence was not only of workman Tuhi Ram, but his fellow-workers as well. The witness has shown the ignorance about Swaran Pal's absence, whether he remained out of job at his own? Thus, the breaks in service are not voluntary act of the workman, and as per the above mentioned Hon'ble High Court of Himachal Pradesh judgment, the Management can not be permitted to make the breaks just to prevent the workman to get any benefit of his temporary status or other status in the services.

One more content of the Management is that this reference is time-barred. No period in Industrial Disputes Act has been mentioned under which the reference should be made, but certainly it should be reasonable period which is available to the workman for agitating his cause of termination and for starting the proceedings for reference. The letters of the workman dated 21-04-88, 15-12-89, 06-08-90 and October 1990 show that he requested number of times to the Management to provide him the job. In his oral evidence the workman has also stated that not only in writing, but he orally requested a number of times to provide him the job but in vain. The last letter of October 1990 was received by the authority of the Management. The Management had disposed it by stating that it has not been received by competent authority. It is the inter se departmental matter of the Management. Thus after considering all the facts and circumstances of the case I am of the view that workman Tuhi Ram requested the Management regularly to provide him the job but in vain and his reference is not time barred.

The workman has completed, as admitted by the Management 120 days and he was not given a temporary status. Likewise, from 01-06-85 to 17-01-87, he has also completed more than 240 days and the breaks in between were not the result of his own conduct. He is entitled to the protection of the provisions of the Industrial Disputes Act, as he was terminated from the service without giving the notice or compensation. His termination is as per the provisions of Industrial Disputes Act, retrenchment and his termination being without giving the notice or compensation is illegal. Moreover, as per the evidence of the Management, few workmen were junior to the workman Tuhi Ram have been given the service benefit in the Railway Department. Accordingly the reference is likely to be answered is negative that the action of Assistant Engineer, Northern Railway, Patna in terminating the service of Tuhi Ram w.e.f. January, 1987 is not justified and the workman is entitled to relief as per the provisions of Industrial Dispute Act. Now, I have to consider what relief should be given to the workman? It is admitted case to the Management that on completion of 120 days a temporary status was due to the workman on 14-10-85. The workman has completed 120 days but he was not permitted, as stated earlier, to work from 15-10-85 with intention to prevent him from this temporary status. This action of the Management was illegal. Accordingly, the workman will be entitled, as per the Circular Letter of the Management for the temporary status from 14-10-85 on which he completed 120 days of service. To continue the work on 15-10-85, was out of his control and the Management is to give the temporary status from the day he has completed 120 days of service.

The workman will also be entitled for the full wages from 14-10-85 to 17-01-87 and half wages thereafter. The workman will not be entitled for any interest on the wages so ordered.

Accordingly, the reference is disposed of. The Central Government be informed. Consign to the record.

G.K. SHARMA, Presiding Officer

नई दिल्ली, 1 अक्टूबर, 2008

का.आ. 2873.—श्रम और रोजगार मंत्रालय की दिनांक 20 जनवरी, 2007 को भारत के राजपत्र के भाग-II, खण्ड-3, उप-खण्ड(ii) में का.आ.संख्या 205 द्वारा प्रकाशित अधिसूचना में निम्नलिखित प्रविष्टि शामिल की जाएगी, नामतः:-

क्रम संख्या

52. मैसर्स गार्डन रीच शिपबिल्डर्स एण्ड इंजिनियर्स लि., कलकत्ता

(20-08-2004 से 30-09-2008 तक)

[फा. सं. एस-38014/46/2007-सा.सु.-1]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 1st October, 2008

S.O. 2873.—In the Notification of the Ministry of Labour and Employment published in the Gazette of India, Part-II, Section 3, Sub-Section (ii) dated 20th January, 2007 vide S.O. No. 205, the following entries shall be inserted, namely:-

Sl. No.

52. M/s. Garden Reach Shipbuilders & Engineers Ltd., Calcutta

(W.e.f. 20-08-2004 to 30-09-2008).

[F. No. S-38014/46/2007-SS.I]

S. D. XAVIER, Under Secy.

नई दिल्ली, 8 अक्टूबर, 2008

का.आ. 2874.—कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 14 क ग द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार एतद्वारा पूर्ववर्ती श्रम मंत्रालय, भारत सरकार की दिनांक 17 अक्टूबर, 1973 की अधिसूचना का.आ. सं. 549 (अ) में निम्नलिखित संशोधन करती है, अर्थातः:-

उपर्युक्त अधिसूचना में, अनुसूची के स्थान पर, निम्नलिखित अनुसूची प्रतिस्थापित की जाएगी, नामतः:-

“अनुसूची

1. राष्ट्रीय राजधानी राज्य क्षेत्र, दिल्ली
2. आन्ध्र प्रदेश राज्य तथा पुदुचेरी संघ शासित क्षेत्र का यनम क्षेत्र
3. असम, अरुणाचल प्रदेश, नागालैंड, मणिपुर, मेघालय, मिजोरम और त्रिपुरा राज्य
4. बिहार राज्य

5. छत्तीसगढ़ राज्य

6. गोवा राज्य

7. गुजरात राज्य, दमन व दीव तथा दादरा व नगर हवेली संघ शासित क्षेत्र

8. हरियाणा राज्य

9. हिमाचल प्रदेश राज्य

10. झारखण्ड राज्य

11. कर्नाटक राज्य

12. केरल राज्य, लक्षद्वीप का संघ शासित क्षेत्र तथा पुदुचेरी संघ शासित क्षेत्र का माहे क्षेत्र

13. मध्य प्रदेश राज्य

14. महाराष्ट्र राज्य

15. डड्डीसा राज्य

16. पंजाब राज्य तथा चंडीगढ़ संघ शासित क्षेत्र

17. राजस्थान राज्य

18. तमिलनाडु राज्य तथा संघ शासित क्षेत्र पुदुचेरी जिसमें उक्त संघ शासित क्षेत्र के माहे और यनम क्षेत्र शामिल नहीं हैं।

19. उत्तराखण्ड राज्य

20. उत्तर प्रदेश राज्य

21. पश्चिम बंगाल राज्य एवं अंडमान एवं निकोबार द्वीप समूह संघ शासित क्षेत्र तथा सिक्किम राज्य

उपर्युक्त अधिसूचना के अनुसार 17-10-1973 के पश्चात् सृजित राज्यों/क्षेत्रों/उप-क्षेत्रों के मामले में, पूर्ववर्ती क्षेत्रों के क्षेत्रीय भविष्य निधि आयुक्तों और/या 17-10-1973 के पश्चात् सृजित राज्यों/क्षेत्रों/उप-क्षेत्रों के क्षेत्रीय भविष्य निधि आयुक्तों द्वारा प्रयुक्त की गई शक्तियों को इस अधिसूचना के अंतर्गत “प्रयुक्त शक्तियाँ” माना जाएगा।

[फाइल सं. एस.-35012/02/2008-एस.एस.II]

एस. डी. जेवियर, अवर सचिव

New Delhi, the 8th October, 2008

S.O. 2874.—In exercise of powers conferred by Section 14 AC of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following amendment in the notification of Government of India in the erstwhile Ministry of Labour's S.O. No. 549(E), dated the 17th October, 1973, namely:—

In the said notification, for the Schedule, the following Schedule shall be substituted, namely:-

"SCHEDULE"

1. The National Capital Territory of Delhi;
2. The State of Andhra Pradesh and the Yanam area of the Union territory of Puducherry;
3. The States of Assam, Arunachal Pradesh, Nagaland, Manipur, Meghalaya, Mizoram and Tripura;
4. The State of Bihar;
5. The State of Chhattisgarh;
6. The State of Goa;
7. The State of Gujarat, the Union territory of Daman and Diu and Dadra and Nagar Haveli;
8. The State of Haryana;
9. The State of Himachal Pradesh;
10. The State of Jharkhand;
11. The State of Karnataka;
12. The State of Kerala, the Union territory of Lakshadweep and the Mahe area of the Union territory of Puducherry;
13. The State of Madhya Pradesh;
14. The State of Maharashtra;

15. The State of Orissa;
16. The State of Punjab and Union territory of Chandigarh;
17. The State of Rajasthan;
18. The State of Tamil Nadu and the Union territory of Puducherry except the Mahe and Yanam areas of the Union territory;
19. The State of Uttar Pradesh;
20. The State of Uttar Pradesh;
21. The State of West Bengal and Union territory of Andaman and Nicobar Island and the State of Sikkim.

In the case of the States/Regions/Sub-Regions created after 17-10-1975, the powers exercised by the Regional Provident Fund Commissioners of the erstwhile Regions as per the sub-notification and/or by the Regional Provident Fund Commissioner of the States/Regions/Sub-Regions created after 17-10-1975 shall be deemed as powers exercised under this notification.

[L. No. 8-35012.02-2008-SS II]

S. D. XAVIER, Under Secy.